

Holland & Associates



Environmental Consultants

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

2 September 2020

Dear Interested and/or Affected Party

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 01 MARCH 2013 FOR THE PROPOSED CONSTRUCTION OF A WIND ENERGY FACILITY SITUATED ON THE EASTERN PLATEAU (SOUTH) NEAR DE AAR, NORTHERN CAPE PROVINCE (DEFF REF NO.: 12/12/20/2463/1/AM7)

Notification of Amendment of the Environmental Authorisation

This letter serves to notify all registered Interested and Affected Parties (I&APs) of the Department of Environment, Forestry and Fisheries' (DEFF's) (previously known as the Department of Environmental Affairs (DEA)) decision in respect of the application for amendment of the Environmental Authorisation (EA) issued on 1 March 2013, as amended, for the construction of a wind energy facility situated on the eastern plateau (south)¹ near the town of De Aar in the 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) National Appeal Regulations (2014), are also outlined herein, should an I&AP wish to appeal DEFF's decision.

1. Decision

We wish to inform you that, based on a review of the reasons submitted by Mulilo De Aar 2 South (Pty) Ltd for requesting an amendment to the abovementioned Environmental Authorisation (EA) (i.e. an amendment relating to the rotor diameter in the project description in the EA) that DEFF, in terms of Chapter 5 of the EIA Regulations, 2014, as amended, **has decided to amend the EA dated 1 March 2013, as amended**, as follows:

Amendment 1: Amendment to the project description:

The Rotor Diameter typed as (page 2 of the EA Amendment Decision for 12/12/20/2463/1/AM6 dated 06 September 2019 which replaced the table in the EA dated 01 March 2013):

¹ The project would be located on Slingers Hoek (Farm No. 2 Remainder of Portion 2 and Remainder); Slingers Hoek (Farm No. 2 Portion 4), Knapdaar (Farm No. 8 Portion 1); Maatjes Fountain (Farm No. 1 Portion 5); Vendussie Kuil (Farm No. 165 Remainder of Portion 2), Vendussie Kuil (Farm No. 165 Portion 11 and Remainder) within the Emthanjeni Local Municipality and Renosterberg Local Municipality in the Northern Cape Province.

Component	Description/ Dimensions
<i>Hub height from ground level</i>	<i>120m</i>
<i>Rotor diameter</i>	<i>160m</i>
<i>Maximum of turbines</i>	<i>25 - 61</i>
<i>Permanent affected areas (foundation size)</i>	<i>The foundation size would be 18.4m in diameter that narrows up to 10.6m at the surface (the visible portion) with a depth of 3.5, once completed</i>
<i>Generation capacity per turbine</i>	<i>2.3MW – 6.0MW</i>
<i>Maximum Output of the Wind Energy Facility</i>	<i>140MW</i>

Is amended to:

Component	Description/ Dimensions
<i>Hub height from ground level</i>	<i>120m</i>
<i>Rotor diameter</i>	<i>165m</i>
<i>Maximum of turbines</i>	<i>25 - 61</i>
<i>Permanent affected areas (foundation size)</i>	<i>The foundation size would be 18.4m in diameter that narrows up to 10.6m at the surface (the visible portion) with a depth of 3.5, once completed</i>
<i>Generation capacity per turbine</i>	<i>2.3MW – 6.0MW</i>
<i>Maximum Output of the Wind Energy Facility</i>	<i>140MW</i>

DEFF's amendment to the EA, dated 24 August 2020, including the reasons for the amendment, is included in Annexure A herewith for your information².

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 the National Appeal Regulations (2014) (Government Notice No. R993) which prescribes the appeal procedure to be followed. Refer to Annexure B herewith for a copy of the National Appeal Regulations, 2014.

Should any person wish to lodge an appeal, the appellant must submit an appeal to the Appeal Administrator, and a copy of the appeal to the Applicant (i.e. Mulilo De Aar 2 South (Pty) Ltd), any registered Interested and Affected Party, and any Organ of State with interest in the matter within 20 days from the date³ that the notification of the decision was sent to the registered I&APs by the Applicant, or the date⁴ that the notification of the decision was sent to the Applicant by DEFF, whichever is applicable.

Appeals must be submitted in writing in the prescribed form to:

The Director: Appeals and Legal Review of the Department of Environment, Forestry and Fisheries (DEFF) at the below mentioned addresses.

By email: appeals@environment.gov.za;
 By hand: Environment House
 473 Steve Biko,

² Note: The amendment decision from DEFF dated 24 August 2020 must be read in conjunction with the EA dated 1 March 2013 and subsequent amendments thereto. A copy of the EA dated 1 March 2013, and amendments to the EA, are available from Nicole Holland of Holland & Associates Environmental Consultants on request.

³ This letter, which has been sent to I&APs on behalf of the Applicant, serves as notification of DEFF's decision, and will be emailed and/or posted to I&APs on 2 September 2020.

⁴ 25 August 2020.

By post: Arcadia, Pretoria,
0083; or
Private Bag X447,
Pretoria,
0001

To obtain the prescribed appeal form and for guidance on the submission of appeals, please visit DEFF's website at https://www.environment.gov.za/documents/forms#legal_authorisations or request a copy of the documents at appeals@environment.gov.za.

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

Yours sincerely



NICOLE HOLLAND (Pr. Sci. Nat, EAP)

For: Holland & Associates - Environmental Consultants

Holland & Associates



Environmental Consultants

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

2 September 2020

Geagte Belanghebbende en/of Geaffekteerde Party

WYSIGING VAN DIE OMGEWINGSMAGTIGING UITGEREIK OP 1 MAART 2013 VIR DIE VOORGESTELDE WINDENERGIE-AANLEG GELEË OP DIE OOSTELIKE PLATO (SUID) NABY DE AAR, NOORD-KAAPROVINSIE: (DOBV VERWYSINGSNR: 12/12/20/2463/1/AM7)

Kennisgewing rakende die Wysiging van die Omgewingsmagtiging

Die doel van hierdie brief is om alle geregistreerde Belanghebbende en Geaffekteerde Partye (B&GPe) in kennis te stel van die Departement vir die Omgewing, Bosbou en Visserye (DOBV) (voorheen bekend as die Departement van Omgewingsake (DOS)) se besluit rakende die aansoek vir die wysiging van die Omgewingsmagtiging wat op 1 Maart 2013, soos gewysig, uitgereik is vir die oprigting van 'n windenergie-aanleg op die oostelike plato (suid)¹ naby De Aar in die Noord-Kaapprovinsie. Die voorwaarders vir die indiening van 'n appèl, soos uiteengesit in die Wet op Nasionale Omgewingsbestuur (NEMA) (Nr 107 van 1998) se Regulasies (2014) vir Omgewingsinvloedbepalings (OIB), word ook hierby ingesluit indien 'n B&GP teen die DOBV se besluit wil appelleer.

1. Besluit

Ons stel u hiermee in kennis dat die DOBV, gebaseer op 'n oorsig van die redes wat deur Mulilo De Aar 2 South (Edms) Bpk aangevoer is om bogenoemde Omgewingsmagtiging (OM) te wysig (i.e 'n verandering in die deursnee van die draaivlerke soos in die OM se projekbeskrywing), kragtens Hoofstuk 5 van die OIB-regulasies, 2014, soos gewysig, **besluit het om die OM gedateer 1 Maart 2013, soos gewysig, as volg te wysig:**

Wysiging 1: Wysiging aan die projekbeskrywing:

Die deursnee van die draaivlerke (bladsy 2 van die OM-wysigingsbesluit 12/12/20/2463/1/AM6 gedateer 06 September 2019, wat reeds 'n wysiging is op die tabel van die OM gedateer 01 Maart 2013) is in die besluit verander vanaf:

¹ Die projek is geleë op Slingers Hoek (Plaas Nr 2 Restant van Gedeelte 2 en Restant); Slingers Hoek (Plaas Nr 2 Gedeelte 4), Knapdaar (Plaas Nr 8 Gedeelte 1); Maatjes Fountain (Plaas Nr 1 Gedeelte 5); Vendussie Kuil (Plaas Nr 165 Restant van Gedeelte 2), Vendussie Kuil (Plaas Nr 165 Gedeelte 11 en Restant) binne die Emthanjeni Plaaslike Munisipaliteit en die Renosterberg Plaaslike Munisipaliteit in die Noord-Kaapprovinsie.

Komponent	Beskrywing/ Afmetings
<i>Naafhoogte vanaf grondvlak</i>	<i>120m</i>
<i>Deursnee van draaivlerke</i>	<i>160m</i>
<i>Maksimum aantal turbines</i>	<i>25 - 61</i>
<i>Permanente geaffekteerde gebied (fondasie-afmetings)</i>	<i>Die grootte van die fondasie sal 18.4m in deursnee wees en vernou na 10.6m by die oppervlakte (die sigbare gedeelte); met 'n dikte van 3.5m wanneer voltooi.</i>
<i>Opwekkingskapasiteit per turbine</i>	<i>2.3MW – 6.0MW</i>
<i>Maksimum uitset van die Windenergie-aanleg</i>	<i>140MW</i>

Na:

Komponent	Beskrywing/ Afmetings
<i>Naafhoogte vanaf grondvlak</i>	<i>120m</i>
<i>Deursnee van draaivlerke</i>	<i>165m</i>
<i>Maksimum aantal turbines</i>	<i>25 - 61</i>
<i>Permanente geaffekteerde gebied (fondasie-afmetings)</i>	<i>Die grootte van die fondasie sal 18.4m in deursnee wees en vernou na 10.6m by die oppervlakte (die sigbare gedeelte); met 'n dikte van 3.5m wanneer voltooi.</i>
<i>Opwekkingskapasiteit per turbine</i>	<i>2.3MW – 6.0MW</i>
<i>Maksimum uitset van die Windenergie-aanleg</i>	<i>140MW</i>

Die DOBV se wysiging aan die OM, gedateer 24 Augustus 2020, asook die redes vir die wysiging, is vir u inligting as Bylae A hierby aangeheg².

2. Reg tot appèl

Ons wil graag u aandag vestig op u reg om by die Minister teen hierdie besluit te appelleer. Dit sal geskied in terme van die Nasionale Appèlregulasies (2014) (Goewermentskennisgewing Nr 993) waarin die appèlproses uiteengesit is. Verwys na Bylae B hierby aangeheg vir 'n afskrif van die Nasionale Appèlregulasies, 2014.

Die persoon wat appelleer moet 'n appèl by die appèladministrateur indien en 'n afskrif daarvan aan die Applikant (i.e. Mulilo De Aar 2 South (Edms) Bpk) stuur, asook aan elke geregistreerde Belanghebbende en Geaffekteerde Party en enige staatsinstansie wat 'n belang daarby het. Dit moet ingedien word binne 20 dae vanaf die datum³ waarop die kennisgewing van die besluit deur die Applikant aan die geregistreerde B&GPe gestuur is, of die datum⁴ waarop die DOBV die besluit aan die Applikant gestuur het, watter een ookal van toepassing is.

Appèlle moet skriftelik op die voorgeskrewe vorm ingedien word by:

Die Direkteur: Appèlle en Regsoorsig vir die Omgewing, Bosbou en Visserye (DOBV en wel by onderstaande adres.

Per e-pos: appealsdirector@environment.gov.za;

Per hand: Environment House
Steve Bikostraat 473,

² Nota: Die wysigingsbesluit van die DOBV gedateer 24 Augustus 2020 moet gelees word tesame met die OM gedateer 1 Maart 2013, asook die daaropvolgende OM-wysigings. Afskrifte van die OM gedateer 1 Maart 2013, asook die daaropvolgende OM-wysigings, is op versoek beskikbaar by Nicole Holland van Holland & Associates Omgewingskonsultante.

³ Hierdie brief, wat names die Applikant aan B&GPe gestuur is, dien as kennisgewing van die DOBV se besluit en sal op 2 September 2020 aan B&Pe gepos of per epos gestuur word.

⁴ 25 Augustus 2020.

Arcadia,
0083 Pretoria; of
Per pos: Privaatsak X447,
0001 Pretoria

Die voorgeskrewe appélvorm, sowel as riglyne vir die indiening van 'n appél, kan gevind word op die DOBV se webblad by https://www.environment.gov.za/documents/forms#legal_authorisations. 'n Afskrif kan ook aangevra word deur 'n epos te stuur aan appeals@environment.gov.za.

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

Die uwe



NICOLE HOLLAND (Pr. Sci. Nat, EAP)

Vir: Holland & Associates - Omgewingskonsultante

**ANNEXURE A:
DEPARTMENT OF ENVIRONMENT, FORESTRY AND FISHERIES' AMENDMENT OF
ENVIRONMENTAL AUTHORISATION – 24 AUGUST 2020**

**BYLAE A:
DEPARTEMENT VIR DIE OMGEWING, BOSBOU EN VISSERYE SE WYSIGING VAN
OMGEWINGSMAGTIGING – 24 AUGUSTUS 2020**



environment, forestry & fisheries

Department:
Environment, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

Private Bag X 447· PRETORIA 0001· Environment House 473 Steve Biko Road, Arcadia· PRETORIA

DEFF Reference: 12/12/20/2463/1/AM7

Enquiries: Ms Azrah Essop

Telephone: (012) 399 8529 E-mail: AEssop@environment.gov.za

Mr John Hamilton Cullum
Mulilo De Aar 2 South (Pty) Ltd
PO Box 548
HOWARD PLACE
Cape Town
7450

Telephone Number: (021) 685 3240
Fax Number: (083) 635 6809
Email Address: johnny@mulilo.com

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 01 MARCH 2013 FOR THE PROPOSED CONSTRUCTION OF A WIND ENERGY FACILITY SITUATED ON THE EASTERN PLATEAU (SOUTH) NEAR DE AAR, NORTHERN CAPE PROVINCE.

The Environmental Authorisation (EA) issued for the abovementioned application by this Department on 01 March 2013, the amendments to the EA issued on 21 May 2013; 14 August 2014; 25 January 2016; 07 April 2016; 05 July 2018; 06 September 2019, your application for amendment of the EA received by the Department on 06 January 2020 and the acknowledgement letter dated 14 January 2020, 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 as amended, has decided to amend the EA dated 01 March 2013 as amended, as follows:

Amendment 1: Amendment to the project description:

The Rotor Diameter typed as (page 2 of the EA Amendment Decision for 12/12/20/2463/1/AM6 dated 06 September 2019 which replaced the table in the EA dated 01 March 2013):

Component	Description/ Dimensions
<i>Hub height from ground level</i>	120m
<i>Rotor diameter</i>	160m
<i>Maximum of turbines</i>	25 - 61
<i>Permanent affected areas (foundation size)</i>	<i>The foundation size would be 18.4m in diameter that narrows up to 10.6m at the surface (the visible portion) with a depth of 3.5, once completed</i>
<i>Generation capacity per turbine</i>	2.3MW – 6.0MW
<i>Maximum Output of the Wind Energy Facility</i>	140MW

Is amended to:

Component	Description/ Dimensions
Hub height from ground level	120m
Rotor diameter	165m
Maximum of turbines	25 - 61
Permanent affected areas (foundation size)	The foundation size would be 18.4m in diameter that narrows up to 10.6m at the surface (the visible portion) with a depth of 3.5, once completed
Generation capacity per turbine	2.3MW – 6.0MW
Maximum Output of the Wind Energy Facility	140MW

Reason for amendment

The applicant applied to increase the rotor diameter of the wind turbines at the Mulilo De Aar 2 South Wind Energy Facility due to the continuous development in wind turbine technology. Increasing the rotor diameter by 5m (which is a 3% increase in the diameter, and would be a 6.35% increase in the swept area) would allow the applicant to make use of newer technologies and result in more efficient turbines ultimately resulting in cheaper electricity costs and fewer wind turbines per farm. The other dimensions of the turbines, generation capacity of the wind energy facility and layout of the wind energy facility would remain as authorised.

This proposed amendment letter must be read in conjunction with the EA dated 01 March 2013 and the subsequent amendments thereto.

In terms of the Promotion of Administrative Justice Act, 2000 (Act No 3 of 2000), you are entitled to the right to fair, lawful and reasonable administrative action; and to written reasons for administrative action that affects you negatively. Further your attention is drawn to the provisions of the Protection of Personal Information Act, 2013 (Act no. 4 of 2013) which stipulates that the Department should conduct itself in a responsible manner when collecting, processing, storing and sharing an individual or another entity's personal information by holding the Department accountable should the Department abuses or compromises your personal information in any way.

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

Your attention is drawn to Chapter 2 of National Environmental Management Act, 1998 (Act No. 107 of 1998) National Appeal Regulations published under Government Notice R993 in Government Gazette No. 38303 dated 08 December 2014 (National Appeal Regulations, 2014), which prescribe the appeal procedure to be followed. Kindly include a copy of this document (National Appeal Regulations, 2014) with the letter of notification to interested and affected parties in this matter.

Should any person wish to lodge an appeal against this decision, he/she 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 the date that the notification of the decision was sent to the registered interested and affected parties by the applicant; or the date that the notification of the decision was sent to the applicant by the Department, whichever is applicable.

Appeals must be submitted in writing in the prescribed form to:

The Director: Appeals and Legal Review of this Department at the below mentioned addresses.

By email: appeals@environment.gov.za;

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

By post: Private Bag X447,
Pretoria,
0001;

Please note that in terms of Section 43(7) of the National Environmental Management Act, Act No. 107 of 1998, as amended, the lodging of an appeal 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.

To obtain the prescribed appeal form and for guidance on the submission of appeals, please visit the Department's website at https://www.environment.gov.za/documents/forms#legal_authorisations or request a copy of the documents at appeals@environment.gov.za.

Yours faithfully


Mr Sabelo Malaza
Chief Director: Integrated Environmental Authorisations
Department of Environment, Forestry and Fisheries
Date: *24/08/2020*

CC: Ms Nicole Holland

Holland & Associates Environmental Consultants

Email: nicole@hollandandassociates.net

ANNEXURE B
NATIONAL APPEAL REGULATIONS (GN R. 993)

BYLAE B
NASIONALE APPÉLREGULASIES (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*.