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Department:
Economic Development, Environment, Conservation and Tourism
North West Provincial Government
REPUBLIC OF SOUTH AFRICA



AgriCentre Building
Cnr. Dr. James Moroka
and Stadium Rd
Private Bag X15
Mmabatho 2735
Republic of South Africa

CHIEF DIRECTORATE: ENVIRONMENTAL SERVICES
DIRECTORATE: ENVIRONMENTAL QUALITY MANAGEMENT

Tel: +27 (18) 389 5959
Enquiries: Neo Mokotedi
E-mail: NMokotedi@nwpg.gov.za

Reference: NWP/EIA/28/2021

Attention: The Municipal Manager
Mamusa Local Municipality
P.O Box 5
SCHWEI ZER RENEKE
2780

Tel. No.: 053 963 1331
Email: gincaner@mamusalm.gov.za

PER E-MAIL AND POST

Dear Sir/ Madam

ENVIRONMENTAL AUTHORISATION FOR THE CLEARANCE OF INDIGENOUS VEGETATION SITUATED IN A CRITICAL BIODIVERSITY AREA AND WITHIN 100 METRES FROM A NON-PERENNIAL STREAM FOR THE ESTABLISHMENT OF A TOWNSHIP LOCATED ON A PORTION OF THE FARM SCHWEIZER RENEKE TOWNLANDS 62 HO KNOWN AS IPELEGENG EXTENSION 12, MAMUSA 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. 324 of The Environmental Impact Assessment Regulations of 04 December 2014 as amended for:

- 1. The development of a road wider than 4 metres with a reserve less than 13,5 metres in critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority Listed Activity 4(h)(iv)].*
- 2. The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan in critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority; and within a watercourse or wetland, or within 100 metres from the edge of a watercourse or wetland in North West.[Listed Activity 12 (h) (vi)] and (iv)].*



Together we move North West forward.

Government Notice No. R. 325 of the Environmental Impact Assessment Regulations of 04 December 2014 as amended for:

1. The clearance of an area of 20 hectares or more of indigenous vegetation, excluding where such clearance of indigenous vegetation is required for the undertaking of a linear activity; or maintenance purposes undertaken in accordance with a maintenance management plan [Listed Activity 15].

Government Notice No. R. 327 of the Environmental Impact Assessment Regulations of 04 December 2014 as amended for:

1. Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development will occur inside an urban area, where the total land to be developed is bigger than 5 hectares and will occur outside an urban area, where the total land to be developed is bigger than 1 hectare [Listed Activity 28 (i) and (ii)]

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

This Department has evaluated the **Environmental Impact Assessment Report** received on 13 December 2021 for the clearance of 149,5516 hectares of indigenous vegetation situated in a critical biodiversity area and within 100 metres from a non-perennial stream for the establishment of a township, located on a portion of the farm Schweizer Reneke Townlands 62 HO known as Ipelegeng Extension 12, Mamusa Local Municipality, North West province to verify whether these activities 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 Appeal Administrator for Department of Economic Development, Environment, Conservation and Tourism, North West Province. Such an appeal must be lodged in terms of the National Appeal Regulations of 8 December 2014.

Yours Faithfully



Ms. Portia Krisjan

Director: Environmental Quality Management

Department of Economic Development, Environment, Conservation and Tourism

Date: 04/04/2022

Cc: AB ENVIRO CONSULTING CC

Mr. J.P de Villiers

Cell No.: 083 548 8195/ 082 564 2642

Email: jp@abenviro.co.za



Table of Contents

			Page no.
A		Definitions	4
B		Environmental Authorisation	5
	1.	Decision	5
	2.	Activities 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 Activities	8
	6.	Monitoring	8
	7.	Validity period of the activities authorised	9
	8.	Recording and Reporting to the Department	9
	9.	Site Closure and Decommissioning of the Activities	9
	10.	Specific Conditions	9-11
	11.	General	11
		Annexure 1 – Reasons for Environmental Authorisation	12-13
		Annexure 2 – Appeal Procedures	14-15

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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.

“development” means the building, erection, construction or establishment of a facility, structure or infrastructure, including associated earthworks or borrow pits, that is necessary for the undertaking of a listed or specified activity, including any associated post development monitoring, but excludes any modification, alteration or expansion of such a facility, structure or infrastructure, including associated earthworks or borrow pits, and excluding the redevelopment 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, a specialist or the person responsible for the preparation of an environmental audit report, means-

(a) that such EAP, specialist or person has no business, financial, personal or other interest in the activity or application in respect of which that EAP, specialist or person is appointed in terms of these Regulations; or
(b) that there are no circumstances that may compromise the objectivity of that EAP, specialist or person in performing such work; excluding –

- (i) normal remuneration for a specialist permanently employed by the EAP; or
- (ii) fair remuneration for work performed in connection with that activity, application or environmental audit;

“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 42;

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

“the Department” means the Department of Economic Development, Environment, Conservation and Tourism.

“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 04 December 2014, as amended.

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B. Environmental Authorisation

Authorisation register number:

NWP/EIA/28/2021

Holder of Environmental Authorisation:

Mamusa Local Municipality

Location of activities:

North West Province: A portion of the farm Schweizer Reneke Townlands 62 HO known as Ipelegeng Extension 12, Mamusa 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 Environmental Authorisation holder should be authorised to undertake the activities specified below:

2. Activities 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 04 December 2014 as amended on 07 April 2017, the Director: Environmental Quality Management of the Department of Economic Development, Environment, Conservation and Tourism authorizes:-

Mamusa Local Municipality

P.O Box 5

SCHWEIZER RENEKE

2780

Tel. No.: 053 963 1331

Email: gincaner@mamusalm.gov.za

To undertake the following activities:

The clearance of 149,5516 hectares of indigenous vegetation situated in a critical biodiversity area and within 100 metres from a non-perennial stream for the establishment of a township, located on a portion of the farm Schweizer Reneke Townlands 62 HO known as Ipelegeng Extension 12, Mamusa Local Municipality, North West province. The project entails the following:

Zoning	Land use	Number of erven	Area in hectares
Residential 1	Stands (Residential Minimum 360 m ²)	1 830	69.0078
	Stands (Residential Minimum 450 m ²)	400	19.2078
	Stands (Residential Minimum 600 m ²)	69	4.3023
Residential 2	213 x Dwelling units (flats 80 Dwelling Units/ha)	1	2.6563
Business	Business Stands (shops and offices)	5	3.9810

NWP/EIA/28/2021

Clearance of indigenous vegetation for a Township on the farm Schweizer Reneke Townlands 62 HO, MLM

Department of Economic Development
Environment, Conservation and Tourism

Page 5 of 15

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<i>Institutional</i>	<i>Church</i>	<i>4</i>	<i>0.8010</i>
	<i>Creche</i>	<i>4</i>	<i>0.7810</i>
	<i>Secondary School</i>	<i>1</i>	<i>5.6975</i>
<i>Municipal</i>	<i>Municipal</i>	<i>1</i>	<i>0.4819</i>
	<i>Taxi Rank</i>	<i>1</i>	<i>0.2488</i>
<i>Recreational</i>	<i>Sports fields and public open space</i>	<i>1</i>	<i>3.9433</i>
<i>Streets</i>	<i>Between 2719-22861 metres in length with 10 metres-20 metres width</i>		<i>38.4428</i>
	<i>Total</i>	<i>2317</i>	<i>149.5516</i>

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

Site Location

Alternative Site 1	Latitude	Longitude
A portion of the farm Schweizer Reneke Townlands 62 HO	27°10'17.03" S	25°18' 34.63" E

The development is located along the R32 Road in Schweizer Reneke near the existing landfill site is hereafter referred to as "the property".

3. Conditions

3.1 Scope of Environmental Authorisation

3.1.1 The Alternative S1 is approved.

3.1.2 Authorisation of the activities are 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 activities authorised may only be carried out at the property as described in Point 2 under site location.

3.1.5 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 activities.

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

a) National Environmental Management Act, 1998 (Act No. 107 of 1998)

b) National Water Act, 1998 (Act No. 36 of 1998)

c) National Heritage Resources Act, 1999 (Act No. 25 of 1999)

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- d) Conservation of Agricultural Resources Act, 1983 (Act No. 43 of 1983)
- e) National Forest Act, 1998 (Act No. 122 of 1998)
- f) National Veld & Forest Fires Act, 1998 (Act 101 of 1998)
- g) National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008)
- h) National Environmental Management: Protected Areas Act 2003 (Act No. 57 of 2003)
- i) All the provisions of the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013)


3.1.7 The holder of the Environmental Authorisation has the responsibility to apply for Environmental Authorisation amendment to the competent authority when any alienation, or deviation from project description / ownership.

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 **14 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 2 of the National Appeal Regulations (see Annexure 2).
- 4.3 An appeal against the decision must be lodged in terms of Chapter 2 of the National Appeal Regulations with:

The Appeal Administrator: Ms. Carene Nieuwoudt
Department of Economic Development, Environment, Conservation and Tourism
 Room E30, AgriCentre Building
 Corner Dr. James Moroka and Stadium Road
MMABATHO
 2735

Tel No.: (018) 389 5986
 Cell No.: (083) 385 9486
 Fax No.: (086) 581 7858
 E-mail: cnieuwoudt@nwpg.gov.za

 4.4

Such Appeal must be lodged in writing by completing an Appeal Form obtainable from the Appeal Administrator.



- 4.5 An appeal made against this Environmental Authorisation will result in it being suspended; therefore the activities must not commence pending the lapse of **20 days** after all Interested and Affected parties have been informed of this decision.
- 4.6 Should an appeal be lodged within **20 days** after notification to all Interested and Affected parties of this decision, the activities may only commence once the decision by the MEC, as Appeal Authority, have been made.

5. Management of the activities

- 5.1 The 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 AB Enviro-Consult CC received by the Department on 13 December 2021 must be adhered to.
- 5.3 Any proposed amendments to the EMPr (as a result of this Environmental Authorisation or otherwise) must be submitted in writing to Director: Environmental Quality Management for approval prior to the amendment being implemented. The proposed amendments will be decided upon by the Department within a period of **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 Notwithstanding the preceding conditions, the holder must 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.

6. Monitoring

- 6.1 The holder of the Environmental Authorisation has the responsibility to ensure that the mitigation/rehabilitation measures and recommendations referred to in the Environmental Authorisation are implemented, and to ensure compliance with the provisions of the EMPr.
- 6.2 The holder of the Environmental Authorisation must ensure communications and liaise with key stakeholders in respect of monitoring of compliance with conditions of Environmental Authorisation and the EMPr and also liaise with Environmental Compliance and Enforcement Section of this Department (cnieuwoudt@nwpg.gov.za and Emulibana@nwpg.gov.za).
- 6.3 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 are put into practice.



7. Validity Period of the activities authorized

- 7.1 This Environmental Authorisation is valid for a period of **10 years** and the activities must be completed within **10 years** from the date this Environmental Authorisation is issued.
- 7.1.1 If the holder of the Environmental Authorisation anticipates that the conclusion of the activities would not occur within the **10 year** period, he/she **must prior to the lapse of 10 years**, apply for an amendment of the Environmental Authorisation and **show good cause and give reasons** why an extension of the Environmental Authorisation should be granted.
- 7.1.2 Should the Environmental Authorisation for authorised activities expire, the said authorisation will be null and void and a new application for an Environmental Authorisation must be lodged in order for the activities to be undertaken

8. Recording and reporting to the Department

- 8.1 **14 days** written notice must be given to the Department's Environmental Compliance and Enforcement Section that the activities will commence. The notice must be directed to cnieuwoudt@nwpg.gov.za and Emulibana@nwpg.gov.za.
- 8.2 Records relating to monitoring must be kept on site and made available for inspection to any relevant and competent authority in respect of this development.
- 8.3 All incidents of major hazardous substances spill must be reported to Environmental Compliance and Enforcement section of this Department and Department of Water and Sanitation within **48 hours**, and action taken to remedy the situation must be outlined.

9. Site Closure and Decommissioning of the activities

- 9.1 Should the activities ever cease or become redundant, the Environmental Authorisation holder 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.
- 9.2 The disturbed areas must be rehabilitated to almost a natural state, and landscaping of the disturbed area must make extensive use of locally appropriate indigenous vegetation.

10. Specific conditions

- 10.1 The Environmental Authorisation holder must adhere to the mitigation measures and recommendations contained in the Environmental Impact Assessment Report received on 13 December 2021.
- 10.2 Clearance of indigenous vegetation must be limited to 149.5516 hectares for the mixed land use residential development to minimize damage to the vegetation and surrounding environment.
- 10.3 Clearance of vegetation must occur immediately prior to the construction of houses and other structures in order to minimise the amount of time the soil is left bare and vulnerable to erosion.



- 10.4 Vegetation clearance must be phased/progressive to ensure that the minimum vegetation clearance necessary for development purposes takes place and that area exposed to potential erosion at any one time is minimised.
- 10.5 Prior to commencement of construction activities, a suitably qualified specialist must mark and record the location of all protected plants and trees and if any protected tree or species cannot be avoided a permit must be applied for from relevant authority.
- 10.6 The Camel Thorn trees (*Vachellia erioloba*) found on site must not be removed without permission from the relevant competent authority.
- 10.7 The design of the access roads must provide for an appropriate road surface with cross sections designed to accommodate the channeling of storm water generated on the development area.
- 10.8 The internal roads must be surfaced with interlocking pavers to reduce runoff and promote infiltration.
- 10.9 Surface water or storm water must not be allowed to concentrate, or to flow down cut or fill sloped routes without erosion protection measures being in place.
- 10.10 A two-way two lanes road with 2% cross fall against the slope must be constructed in order to facilitate drainage of the road surface to the edge of the road.
- 10.11 All sensitive areas and buffer zones in the vicinity of the development footprint must be clearly indicated on site and be off limits for construction vehicles and workers.
- 10.12 No wastewater must run freely into any naturally vegetated areas; run-off containing high sediment loads must not be released into drainage channels.
- 10.13 Construction vehicles must be restricted to travelling on designated roadways only, and as far as possible existing roadways, to limit the ecological footprint of the proposed development activities.
- 10.14 Edge effects from construction activities, such as erosion and alien floral species proliferation and spread, must be managed.
- 10.15 There must be a sufficient stormwater system in order to reduce or prevent significant impacts on the surface flow function and erosion.
- 10.16 Stormwater diversion measures such as ponding pools must be implemented to control peak flows when it rains.
- 10.17 Special care must be taken to ensure adequate surface drainage to prevent the accumulation of water next to structures.
- 10.18 Special construction techniques must be used to enable proper development, including compaction techniques as indicated in the Geological Investigation Report compiled by Geoset CC dated August 2020.



- 10.19 All excess material must be removed from the construction areas once works has been completed and disposed to a licenced facility.
- 10.20 Archaeological remains, artificial features and structures older than **60 years** are protected. Should any archaeological artefacts be exposed during excavation for the purpose of construction 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 North West Provincial Heritage Resources Authority.
- 10.21 The holder of the Environmental Authorisation [**Mamusa Local Municipality**] must be 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. General

- 11.1 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 upon requests.
- 11.2 The holder of the Environmental Authorisation must notify the Department (accompanied by reasons), in writing and within **48 hours**, if any condition of this Environmental Authorisation cannot be or is not adhered to. 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.
- 11.3 No public authority shall be held responsible for any damages or losses suffered by the applicant or his successor in title in any instance 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 from conditions of this Environmental Authorisation

Environmental Authorisation Approved By:



Ms. Portia Krisjan

Director: Environmental Quality Management

Department of Economic Development, Environment, Conservation and Tourism

Date *04/04/2022*



ANNEXURE 1: REASONS FOR ENVIRONMENTAL AUTHORISATION

1. Background

The Environmental Authorisation holder, **Mamusa Local Municipality** applied for Environmental Authorisation to carry out the following activities:

The clearance of 149,5516 hectares of indigenous vegetation situated in a critical biodiversity area and within 100 metres from a non-perennial stream for the establishment of a township, located on a portion of the farm Schweizer Reneke Townlands 62 HO known as Ipelegeng Extension 12, Mamusa Local Municipality,

The Environmental Authorisation Holder appointed **AB Enviro-Consult CC** to undertake a Scoping and Environmental Impact Assessment process as required by Regulation 12 of the EIA Regulations, 2014 as amended.

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 AB Enviro Consult CC received by the Department on 13 December 2021.
- b) All mitigation measures and recommendations as contained in the Environmental Impact Assessment Report and the Environmental Management Programme received on 13 December 2021.
- 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 conducted by the Department officials Ms. Neo Mokotedi and Ms Obitseng Moholo with the Environmental Assessment Practitioner Mr J.P. de Villiers of AB Enviro Consult CC on 05 August 2021.

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) The Environmental Impact Assessment Report complied with the stipulations of **Appendix 1** of the EIA Regulations of 2014 as amended.
- b) The Environmental Management Programme presented in the Environmental Impact Assessment Report is in line with Appendix 4 of the EIA Regulations of 2014 and the mitigation measures contained therein are applicable to the impacts identified in the Environmental Impact Assessment Report.
- c) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations of 2014 for public involvement. The development was advertised in the Stellalander newspaper on 07 July 2021 as part of the public participation process.



- d) The Ecological Fauna and Flora Habitat Survey by Reiner F Terblanche dated December 2020 which indicated that modification and eradication of alien invasive plant species be continued and that invasive species such as *Melia azedarach* and *invasive prosopis glandulosa* must not be allowed to establish. The Report further indicated that ecological sensitivity at most of the site is medium. Ecological sensitivity at some of the conspicuously disturbed areas at the site, such as the extensive dumping area is indicated as low.
- e) The phase 1 Heritage Impact Assessment Report compiled by A.J Pelsers of Apelsers dated September 2021 indicating that from a cultural heritage point of view that the development should be allowed to continue.
- f) The recommendations of the Civil Engineering Services regarding bulk services provision compiled by Moedi Consulting Engineers dated April 2021.
- g) The legal and procedural requirements have been complied with and the information contained in the document is to the satisfaction of this Department.

4. Findings

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

- a) The township establishment will benefit the community with the provision of basic services.
- b) The development area does not have any existing developments.

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

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ANNEXURE 2: ADMINISTRATION AND PROCESSING OF APPEALS

ADMINISTRATION AND PROCESSING OF APPEALS IN TERMS OF CHAPTER 2 OF THE NATIONAL APPEAL REGULATIONS, 2014 TO BE FOLLOWED BY THE ENVIRONMENTAL AUTHORISATION HOLDER, AND INTERESTED AND AFFECTED PARTIES UPON RECEIPT OF NOTIFICATION OF AN ENVIRONMENTAL AUTHORISATION

Appeal submission

4. (1) An appellant must submit the appeal to the appeal administrator, and a copy of the appeal to the Environmental Authorisation holder, 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 was sent to the registered interested and affected parties by the Environmental Authorisation holder; or
 - (b) the date that the notification of the decision was sent to the Environmental Authorisation holder 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 a statement, including supporting documentation, by the appellant to confirm compliance with regulation 4(1) of these Regulations.

Responding statement

5. The Environmental Authorisation holder, 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, Environmental Authorisation holder, 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, which are:
 - (i) by faxing a copy of the notice or other document to the person, if the person has a fax number;
 - (ii) by e-mailing a copy of the notice or other document to the person if the person has an e-mail address; or
 - (iii) by posting a copy of the notice or other document to the person by ordinary mail, if the person has a postal address;
- (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.

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