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



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CHIEF DIRECTORATE: ENVIRONMENTAL SERVICES
DIRECTORATE: ENVIRONMENTAL QUALITY MANAGEMENT

Enquiries: Neo Mokotedi
Tel: 018 389 5959
Email: NMokotedi@nwpg.gov.za

Reference: NWP/EIA/69/2021

Attention: Mr Gert Hooghiemstra
MG DEVCO (Pty) Ltd
Private Bag X1288
POTCHEFSTROOM
2520

Tel No.: 083 297 6172
Cell No.: 084 321 0041
Email: gert@trpsa.co.za

PER E-MAIL AND POST

Dear Sir

ENVIRONMENTAL AUTHORISATION FOR THE CLEARANCE OF INDIGENOUS VEGETATION FOR THE DEVELOPMENT OF FACILITIES AND INFRASTRUCTURE FOR THE STORAGE AND HANDLING OF 92 M³ OF DANGEROUS GOOD (FILLING STATION) AND THE DEVELOPMENT OF A SHOPPING CENTRE LOCATED ON ERF 3726, ERF 3727 AND ERF 3728 DANVILLE, MAHIKENG 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 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 purposes undertaken in accordance with a maintenance management plan in critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority in [Listed Activity No. 12(h) (iv)].*

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



Let's Grow North West Together

2. *The development and related operation of facilities or infrastructure, for the storage, or for the storage and handling, of a dangerous good, where such storage occurs in containers with a combined capacity of 80 cubic metres or more but not exceeding 500 cubic metres [Listed Activity No. 14].*
3. *The clearance of an area of 1 hectare or more, but less than 20 hectares of indigenous vegetation, except 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 No 27].*

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

This Department has evaluated the **Basic Assessment Report** received on 10 May 2022 for *the clearance of indigenous vegetation for the development of facilities and infrastructure for the storage and handling of 92 m³ of a dangerous good (filling station), and the development of a shopping centre located on Erf 3726, Erf 3727 and Erf 3728 Danville, Mahikeng 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: 24/08/2022.

Cc: AB Enviro Consult CC

Contact Person: Mr J.P. de Villiers

Cell No.: 083 548 8105

Email: jp@abenviro.co.za

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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.



B. Environmental Authorisation

Authorisation register number:

NWP/EIA/69/2021

Holder of Environmental Authorisation:

MG DEVCO (Pty) Ltd

Location of activities:

North West Province: Erf 3726, 3727, and 3728 in Danville, Mahikeng Local Municipality, North West Province

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 holder of the Environmental Authorisation 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 authorises:-

MG DEVCO (Pty) Ltd
Private Bag X 1288
POTCHEFSTROOM
2520

Tel No.: 083 297 6172
Cell No.: 084 321 0041
Email: geri@trpsa.co.za

To undertake the following activities:

The clearance of indigenous vegetation for the development of facilities and infrastructure for the storage and handling of 92 m³ of a dangerous good (filling station) and the development of a shopping centre located on Erf 3726, Erf 3727 and Erf 3728 Danville, Mahikeng Local Municipality, North West Province.

The project entails the following:

- *Clearance of indigenous vegetation of which 27 590 m² is located within a Critical Biodiversity Area and disturbed areas.*
- *The development and related operation of a filling station consisting of 4 X 23 m³ underground tanks with a total combined capacity of 92 m³.*
- *4 Island Forecourt canopy with pumps.*
- *Loading bay and parking spaces*
- *The development of a shopping centre.*



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

Site Location

Alternative Site 1	Latitude (S)	Longitude (E)
ERF 3726, 3727 and 3728 in Danville, Mahikeng Local Municipality	25° 52'42.36"	25° 39'48.68"

The development is located on Erf 3726, Erf 3727 and Erf 3728 in Danville at the intersection of the R503 Lichtenburg Road and Road towards Bophelong Hospital, Mahikeng Local Municipality; 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 Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004)
- c) National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008)
- d) National Water Act, 1998 (Act No. 36 of 1998)
- e) National Heritage Resources Act, 1999 (Act No. 25 of 1999)
- f) Conservation of Agricultural Resources Act, 1983 (Act No. 43 of 1983)
- g) Provisions of Hazardous Substance Act, 1973 (Act No. 15 of 1973).



h) Petroleum Products Act, 1977 (Act 120 of 1977)

3.1.7 The holder of an 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 writing in terms of Chapter 2 of the National Appeal Regulations on Appeal form obtainable from:

Ms. Carene Nieuwoudt
Department of Economic Development, Environment, Conservation and Tourism
Room E30, AgriCentre Building
Cnr. Dr. James Moroka and Stadium Road
MMABATHO

Tel No: (018) 389 5986

Cell No: (083) 385 9486

E-mail: CNieuwoudt@nwpg.gov.za

4.4 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.

4.5 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 Basic Assessment Report compiled by AB Enviro CC received by the Department on 10 May 2022 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 Environmental Authorisation has the responsibility to ensure that the mitigation/rehabilitation measures and recommendations referred to in the Basic Assessment Report are implemented, and to ensure compliance with the provisions of the EMPr.
- 6.2 A qualified, suitably experienced and independent Environmental Control Officer (ECO) must be appointed to monitor, and report to the competent authority on compliance with the EA and the EMPr for the duration of the construction phase.
- 6.3 The ECO must be appointed prior to commencement of the construction phase and the ECO details must be submitted to the Departments' Environmental Compliance and Enforcement Section: CNieuwoudt@nwpg.gov.za and EMulibana@nwpg.gov.za.
- 6.4 The ECO must keep a record on site of all activities on site, environmental incidents as well as corrective and preventative actions taken.
- 6.5 The holder of Environmental Authorisation must ensure communication with key stakeholders in respect to monitoring of compliance with conditions of this Environmental Authorisation and the EMPr and also liaise with this Department's Environmental Compliance and Enforcement Section.
- 6.6 It is the responsibility of the holder of this Environmental Authorisation to ensure that 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. Validity Period of the activities authorized

- 7.1 For listed activities 27 of R.327 and 12 (h) (iv) of R324: The activities are valid for a period of **05 years** from the date of issue, i.e., the activities must be concluded within **05 years** from the date of issue of the Environmental Authorisation.
- 7.1.1 If the holder of the Environmental Authorisation anticipates that the conclusion of the activities (7.1) would not occur within the **05 year** period, he/she **must prior to the lapse of 05 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 (i.e., activities 27 of R327 and 12 (h)(iv) of R 324) 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.
- 7.2 For listed activity 14 of R327: 'This Environmental Authorisation is valid from the date of issue and has **no conclusion date**.

8. Recording and reporting to the Department /Audit Report

- 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 **An Environmental Audit Report must be compiled and be submitted to this Department's Environmental Compliance and Enforcement Section within 5 years of the issue of this Environmental Authorisation and subsequently every 5 years thereafter. Such an Environmental Audit Report must be compiled in compliance with Appendix 7 of the 2014 EIA**
- 8.3 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.
- 8.4 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. Operation of the activity

- 9.1 Fuel tanks must be clearly marked to indicate contents, quantities and safety requirements.
- 9.2 All storage areas must be bunded. The bunded area must be of sufficient capacity to contain a spill/leak from the stored tanks.
- 9.3 Bunded areas must be suitably lined with an SABS approved liner or as determined by Department of Water and Sanitation.
- 9.4 Storm water from dangerous goods storage must be treated as dirty water. Clean water and dirty water system must be separated



- 9.5 All hazardous chemicals that will be used on site must have Material Safety Data Sheets (MSDS).
- 9.6 An Emergency spill kit and firefighting equipment must be kept on site at all times in an easily accessible area.
- 9.7 The tanks/ bowsers must be situated on a smooth impermeable surface (concrete) with a permanent bund. The impermeable lining must extend to the crest of the bund and the volume inside the bund must be 110% of the total capacity of all the storage tanks/ bowsers.
- 9.8 A combined sample must be taken, by means of bailing, from the fuel leak observation wells on a biannual basis to be submitted to an accredited laboratory to ensure the detection of any pollution taking place at the immediate vicinity of the storage tanks.
- 9.9 Groundwater quality samples must be taken at the monitoring borehole. Samples must be taken quarterly for the first year, to determine the monitoring trends, after which monitoring on a bi-annual basis must be continued.
- 9.10 There must be regular reconciliation of the volumes of petroleum products to ensure early detection of leaks.
- 9.11 A Spillage Contingency Plan must be developed and implemented.

10. Site Closure and Decommissioning of the activities

- 10.1 Should the activities ever cease or become redundant, the holder of the Environmental Authorisation 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 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.

11. Specific conditions

- 11.1 The holder of the Environmental Authorisation must adhere to the mitigation measures and recommendations contained in the Basic Assessment Report received on 10 May 2022.
- 11.2 Clearance of indigenous vegetation must be limited to (27590 m²) 2.75 hectares prior to construction to minimise damage to the surrounding environment and the amount of time the soil is left bare and vulnerable to erosion.
- 11.3 Storm water from the site must drain into a sealed oil sump constructed directly downstream of the site in order to intercept possibly contaminated surface run-off from the apron and parking areas.
- 11.4 Runoff from the apron area, parking bays for heavy vehicles and areas where fuel will be transferred into underground tanks must be channelled into a lined and impermeable sump located directly downstream of the facility to allow the collection and removal of any liquid contaminants spilled in these areas.



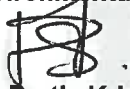
- 11.5 All surface areas where the handling of fuel will take place must be sealed by means of concrete slabs underlain by bitumen at the intersection thereof to prevent infiltration of liquids into the underlying soil.
- 11.6 The soil material itself must be suitably compacted to prevent ingress of liquid contaminants through zones of weakness within the surface seal.
- 11.7 Underground tanks must be installed according to the specifications of SANS 10089 (2010), preferably placed on a sealed concrete slab suitably equipped to allow drainage of fluids into a lined and impermeable sump.
- 11.8 At least 4 detection observation wells must be installed around the tanks in such a way to allow access for monitoring purposes.
- 11.9 A new monitoring borehole must be drilled to a depth of 60 metres at the location marked on Figure 12 (on page 37 of Geo-environmental investigation), representing a geological structure with some degree of weathering along which preferential movement of groundwater are expected to occur, situated downstream of the proposed underground tanks.
- 11.10 The borehole must be suitably finished to ensure long-term stability, casing must be installed for the full length of the borehole with a sanitary seal and concrete capping to prevent localised contamination from surface and equipped with a lockable lid fashioned to allow access for groundwater level measurements and water quality sampling.
- 11.11 Care must be taken to ensure that all fuel lines and dispensers are leak-proof, especially in the light of the corrosive nature of the soil-like overburden to avoid soil and groundwater contamination.
- 11.12 Roads and storm water infrastructure must generally be designed to follow the natural runoff patterns (north-west) to avoid ponding and flooding of buildings with associated damage.
- 11.13 Sufficiently designed storm water culverts must be installed crossing both proposed new access locations to allow unobstructed flow condition.
- 11.14 There must be a continued monitoring and eradication of alien invasive plant species, particularly *Melia azedarach* (Syringa) and invasive *Prosopis glandulosa* (mesquite) which must not be allowed to establish, as stated in the Ecological Fauna and Flora Habitat Survey dated October 2021 by Reiner F. Terblanche of Anthene Ecological CC.
- 11.15 The holder of the Environmental Authorisation **[MG DEVCO (Pty)Ltd]** 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).



12. General

- 12.1 A copy of this Environmental Authorisation must be kept at the property where the activities will be undertaken. The Environmental Authorisation must be produced to any authorised official of the Department upon requests.
- 12.2 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.
- 12.3 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 emanating from these 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 24/08/2022.



ANNEXURE 1: REASONS FOR ENVIRONMENTAL AUTHORISATION

1. Background

The holder of the Environmental Authorisation, **MG DEVCO (Pty) Ltd** applied for Environmental Authorisation to carry out the following activities:

The clearance of indigenous vegetation for the development of facilities and infrastructure for the storage and handling of 92 m³ of a dangerous good (filling station) and the development of a shopping centre located on Erf 3726, Erf 3727 and Erf 3728 Danville, Mahikeng Local Municipality, North West Province.

The holder of the Environmental Authorisation appointed AB Enviro Consult CC to undertake a Basic Assessment process as required by Regulation 12 of the EIA Regulations, 2014.

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 Basic Assessment Report compiled by AB Enviro Consult CC received by the Department on 10 May 2022.
- b) All mitigation measures and recommendations as contained in the Basic Assessment Report and the Environmental Management Programme received on 10 May 2022.
- c) The Electrical Services Report which recommended that an official application to ESKOM be made to confirm the capacity and the cost implications by Motla Consulting Engineers dated 09 December 2020.
- d) The Phase 1 Heritage Impact Assessment Report dated September 2021 by A.J. Pelsler indicating that from a cultural point of view, the development should be allowed to continue.
- e) The feasibility report compiled by Designed Engineering Solutions dated March 2021 indicating that the development of the filling station will be feasible to develop.
- f) The Geo-environmental Investigation Report Compiled by F. Calitz of AGES dated October 2021 indicating that based on the results of the assessment as detailed in the Report, the development of the filling station is deemed viable and supported, provided the strict implementation of mitigation and monitoring measures to prevent environmental degradation in the event of a leak/spill of petrochemicals at the site.
- g) 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.
- h) The findings of a site visit conducted by the Department official Ms Neo Mokotedi with Mr JP de Villiers of AB Enviro Consult CC on 05 November 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 Basic 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 Basic 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 Basic Assessment Report.
- c) A sufficient public participation process was undertaken and the holder of the Environmental Authorisation has satisfied the minimum requirements as prescribed in the EIA Regulations of 2014 for public involvement. The project was advertised in Mahikeng Mail newspaper on 29 October 2021.
- d) The list of concerns (objections) to the development of the filling station by the Interested and Affected parties as well as the responses from the EAP which addressed the concerns satisfactorily.
- e) According to Geotechnical investigations the area is not underlain by water soluble strata as defined by SANS 1936 (2012), and as such is not classified as dolomitic land.
- f) The Ecological Fauna and Flora conducted revealed that no Threatened or Near Threatened plant or animal species appear to be resident at the site.
- g) The Ecological Fauna and Flora also states that, in terms of ecological sensitivity at the site, vegetation appears to be degraded or modified; no plant or animal species of particular conservation concern appear to be present on site, except one individual protected tree species *Boscia albitrunca* (Shepherd's tree), which occurs outside the site.
- h) 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 development will strengthen the retail sector within the Mahikeng Local Municipality, due to the provision of a shopping center and filling station within the urban area.
- b) The development will also create jobs for the community.
- c) There are no existing developments on site, apart from illegal dumping of waste found on parts of the development area.

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.**

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 HOLDER OF THE ENVIRONMENTAL AUTHORISATION, 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 holder of the Environmental Authorisation, 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 holder of the Environmental Authorisation; or
 - (b) the date that the notification of the decision was sent to the holder of the Environmental Authorisation 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 holder of the Environmental Authorisation, 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, holder of the Environmental Authorisation, 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.