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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
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Reference: NWP/EIA/97/2021

Attention: Mr. Jacobus J. J. Swarts
P. O Box 3391
KROONDAL
0350

Tel No.: (014) 536 1874
Cell No.: 083 520 5768
Email.: jjj.engc@gmail.com

Dear Sir,

ENVIRONMENTAL AUTHORISATION FOR THE DEVELOPMENT AND OPERATION OF A FILLING STATION ON PORTION 135 OF FARM BOSCHOEK 103 JQ WITHIN RUSTENBURG 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. R327 of the Environmental Impact Assessment Regulations of 04 December 2014 as amended for:

- 1 *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 14].*
- 2 *The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for (i) undertaking of a linear activity; or (ii) maintenance purposes undertaken in accordance with a maintenance management plan. [Listed activity 27].*
- 3 *Residential, mixed, retail, commercial, industrial or institutional development where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development (ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare. [Listed activity 28 (ii)].*



Let's Grow North West Together

- 4 *Phased activities for all activities where any phase of the activity was below the threshold but where a combination of the phases, including expansions or extensions, will exceed a specified threshold [Listed activity 67].*

Government Notice No. R324 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 (h) North West (iv) 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. (h) North West (iv) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority [Activity 12 (h)(iv)]*

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

This Department has evaluated the **Basic Assessment Report** received on 08 June 2022 for the clearance of indigenous vegetation, development of a road and the establishment and operation of a filling station on Portion 135 of Farm Boschhoek 103 JQ within Rustenburg Local Municipality North West Province, to verify whether this activity will have significant negative impact on the environment.

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

Formal appeals regarding the Environmental Authorisation can be directed to the Appeal Administrator for the 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: 15/08/2022

Cc: Hydroscience CC

Contact Person: Ms. P Jacobs

Tel No.: 082 850 5482

Fax No.: 086 692 8820

E-mail.: paulette@hydroscience.co.za



TABLE OF CONTENTS

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



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/97/2021

Holder of Environmental Authorisation: Mr Jacobus J. J. Swarts

Location of activity: North West Province: Portion 135 of Farm Boschoek
103 JQ within Rustenburg Local Municipality

1. Decision

The Department is satisfied on the basis of information available to it and subject to compliance with the conditions of this Environmental Authorisation, that the applicant should be authorised to undertake the activity specified below:

2. 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, the Director: Environmental Quality Management of the Department of Economic Development, Environment, Conservation and Tourism authorises:-

Mr Jacobus J. J. Swarts

P. O. Box 3391

KROONDAL

0350

Tel No.: (014) 536 1874

Cell No.: 083 520 5768

Email.: jjj.engc@gmail.com

to undertake the following activity:

The clearance of indigenous vegetation for the establishment and operation of filling station.

The project will entail the construction of the following;

- *Construction of 3 underground storage tanks with a capacity of 43 cubic metres each with combined total capacity of 129 cubic metres.*
- *Construction of above ground tanks for bulk storage of diesel with a capacity of 100 cubic metres.*
- *Construction of an access road into the filling station*
- *Construction of associated infrastructure including; forecourt with a canopy and fuel pumps, convenience store, parking and carwash.*

The total development footprint is 1.3933 hectares with total combined storage facility of 229 cubic metres.



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




Site Location:

Alternative S1	Latitude (S)	Longitude (E)
Portion 135 of Farm Boschoek 103 JQ	25° 30' 02.42"	27°05' 31.56"

The development is located on Portion 135 of Farm Boschoek 103 JQ and is accessed from the R565 opposite the Boschoek Total filling station in the jurisdiction of Rustenburg Local Municipality, North West Province, hereafter referred to as "the property".

3. Conditions

3.1 Scope of Environmental Authorisation

- 3.1.1 The preferred **activity location** for the development and operation a filling station in **S1** is **approved**.
- 3.1.2 Authorisation of the activity is subject to the conditions contained in this Environmental Authorisation, which form part of the Environmental Authorisation and are binding on the holder of the Environmental Authorisation.
- 3.1.3 The holder of the Environmental Authorisation must be responsible for ensuring compliance with the conditions contained in this Environmental Authorisation. This includes any person acting on the holder's behalf, including but not limited to, an agent, servant, contractor, sub-contractor, employee, consultant or person rendering a service to the holder of the Environmental Authorisation.
- 3.1.4 The activity authorised may only be carried out at the property as described in Point 2 under site location.
- 3.1.5 This Environmental Authorisation does not negate the holder of the Environmental Authorisation's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.
- 3.1.6 Relevant legislation that must be complied with by the holder of this Environmental Authorisation includes, *inter alia*:
- All provisions of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993)
 - All provisions of the National Water Act, 1998 (Act No. 36 of 1998).
 - All provisions of the National Environmental Management: Waste Act, 2008 (Act 59 of 2008) as amended.
 - All provisions of the National Environmental Management: Biodiversity Act, 2004 (Act 10 of 2004).
 - The municipal by-laws must be adhered to where applicable.
 - All provisions of the Spatial Planning and Land Use Management Act, 2013 (Act No.16 of 2013).
 -  All provisions of Hazardous Substance Act, 1973 (Act No. 15 of 1973)



h) Provisions of Petroleum Products Act, 1977 (Act No. 120 of 1977) as amended

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

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 & 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 activity 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 activity may only commence once the decision by the MEC, as Appeal Authority, have been made.



5. Management of the activity

- 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 received by the Department on 08 June 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 shall adhere to, and ensure adherence by all contractors, sub-contractors and workers for this project, to all conditions listed herein, and all obligations, commitments, monitoring and proposed mitigation measures as outlined in the EMPr.

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 Inonkomo@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 authorized activities

- 7.1 For the authorized activity number 14 of GNR 327 this Environmental Authorisation is valid from the date of issue and has no conclusion date.
- 7.2 For authorised activity numbers 27, 28(ii) and 67 of GNR 327 as well as activity numbers 3(h)(iv) and 12(h)(iv) of GNR 324 this Environmental Authorisation is valid for a period of 5 years, i.e., this activity must be concluded within 5 years from the date of issue of this Environmental Authorisation

8. Recording and reporting to the Department/ Environmental Audit Report

- 8.1 **14 days** written notice must be given to the Departments' Environmental Compliance and Enforcement Section that the activity will commence. The notice must be directed to CNieuwoudt@nwpg.gov.za and Inonkomo@nwpg.gov.za.
- 8.2 **An Environmental Audit Report for authorized activity number 14 must be compiled and submitted to this Departments' Environmental Compliance and Enforcement Section within 5 years of the issue of this Environmental Authorisation and subsequently every 5 years thereafter, for the duration of the activity. Such an Environmental Audit Report must be compiled in compliance with Appendix 7 of the 2014 EIA Regulations as amended**
- 8.3 Records relating to monitoring and auditing must be kept on site and made available for inspection to any relevant and competent authority in respect of this development.
- 8.4 All incidents of major hazardous substances spill into or near any watercourse must be reported to Environmental Compliance and Enforcement section 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 General waste must be collected and disposed of at a licensed landfill site on a weekly basis. Recyclable waste must be recovered for recycling purpose. No temporary dumping of waste is allowed on site.
- 9.2 Vegetation clearance should be confined to the development footprint and set out to avoid substantial vegetation disturbance. All existing invasive alien plants should be eradicated in accordance with Alien and Invasive Species Regulations, 2014 in terms of Chapter 3 of the National Environmental Management: Biodiversity Act, 2004 (Act 10 of 2004).
- 9.3 Leak detection systems must be implemented in all fuel storage and tanks and transmission lines.
- 9.4 An Emergency spill kit and firefighting equipment must be kept on site at all times in an easily accessible area.
- 9.5 In the effect of a spill the contaminated soil must be collected and disposed of at a licensed hazardous waste management facility.
- 9.6 All fuel lines and fuel dispensers must be well maintained and monitored for leaks on a regular basis.



9.7 Storm water from dangerous goods storage must be treated as dirty water. Clean water and dirty water system must be separated.

10. Site Closure and Decommissioning of the activity

10.1 Should the activity ever cease or become redundant, the applicant must undertake the required actions as prescribed by legislation at the time and comply with all relevant legal requirements administered by any relevant and competent authority at that time.

10.2 Should the authorised activities be abandoned or decommissioned, a closure management plan must be compiled and submitted to this Department for approval and the Department must be notified **30 days** prior to decommissioning.

11. Specific conditions

11.1 The applicant must adhere to the mitigation measures and recommendations contained in the Basic Assessment Report (BAR) received on 08 June 2022

11.2 The activity must be restricted to the clearance of indigenous vegetation, development of a road and the establishment and operation of a filling station on Portion 135 of Farm Boschoek 103 JQ within Rustenburg Local Municipality, North West Province.

11.3 The activity may not commence without the necessary permits/licenses/approvals and/or service agreements, where it is relevant, from or with the relevant regulatory authorities whether national, provincial or local.

11.4 Ablution facilities on the camp site must be established during construction phase such that they do not cause water or other pollution and conform to regulatory hygiene measures and the Occupational Health and Safety legislation.

11.5 Dust suppression measures must be implemented to minimize impact on road users.

11.6 No planned on-site maintenance of construction vehicles, equipment and machinery must be allowed.

11.7 Drip trays must be used in cases of construction vehicle emergency maintenance to catch and contain spills.

11.8 Safety signs must be erected at the entrance of the site during construction phase.

11.9 The 100m no development buffer zone must be maintained around the wetland during construction phase and operation.

11.10 Underground Storage Tanks and dispensing equipment must be installed according to relevant South African Bureau of Standards (SABS) guidelines.

11.11 Pipes that deliver fuel to the pumps must be adequately sealed to avoid surrounding soil contamination.

11.12 All reagents, storage tanks and mixing units must be supplied with a bunded area to contain 110% of their capacity.

11.13 An Emergency Response Plan must be compiled and all staff must be trained on it.



- 11.14 A vapour return line must be installed to allow vapour to flow back into the underground storage tanks to avoid vapour emissions into the atmosphere.
- 11.15 The mixing of concrete must only be done at specifically selected sites on mortar boards or similar structures to contain runoff into soils, streams and natural vegetation. No excess rock spoils must be allowed to remain on site post construction phase
- 11.16 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, construction in the vicinity of the finding must be stopped immediately and the North West Provincial Heritage Resources Authority must be informed about the finding.
- 11.17 No surface or ground water must be polluted due to any activities on the property or site. Department of Water and Sanitation must be consulted with regard to requirements of the National Water Act, 1998 (Act No. 36 of 1998) which must be complied with at all times. The discharge of any pollutants such as hydrocarbons into the natural /receiving environment must strictly be prohibited.
- 11.18 The holder of the Environmental Authorisation (Mr Jacobus J. J. Swarts) 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),as amended.

12 General

- 12.1 A copy of this Environmental Authorisation must be kept at the property where the activity will be undertaken. The Environmental Authorisation must be produced to any authorised official of the Department 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: 15/08/2022



ANNEXURE 1: REASONS FOR ENVIRONMENTAL AUTHORISATION

1. Background

The Applicant, **Mr Jacobus J. J. Swarts** applied for Environmental Authorisation to carry out the following activity:

The clearance of indigenous vegetation, development of a road and the establishment and operation of a filling station and associated infrastructure including forecourt with a canopy and fuel pumps, convenience store, parking, and a carwash.

On Portion 135 of Farm Boschoek 103 JQ within Rustenburg Local Municipality, North West Province.

The applicant appointed **Hydroscience CC** to undertake the Basic Assessment process as required per Regulation 12 of the EIA Regulations of 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 Basic Assessment Report (BAR) received by the Department on 08 June 2022 compiled by **Hydroscience CC**.
- b) All mitigation measures and recommendations as contained in the BAR and the Environmental Management Programme included in the report received on 08 June 2022 are acceptable and practical for implementation.
- c) The objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) as amended.
- d) The findings of a site visit undertaken by the Department official Ms. Tshegofatso Nkone, with Ms Paulette Jacobs of Hydroscience CC (EAP) on 25 February 2022.

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) Details provided of the qualifications of the EAP indicate that the EAP is competent to carry out the Basic Assessment Report process.
- b) The BAR received on 08 June 2022, included a description of the environment that may be affected by the activity and the manner in which the physical, biological, social, economic and cultural aspects of the environment may be affected by the proposed activity.
- c) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations of 2014 as amended for public involvement. The



development was advertised in the 'Rustenburg Herald' published on 19 February 2022 as part of the public participation process.

- d) The findings and recommendations contained in the Terrestrial Biodiversity Assessment compiled by Iggdrasil Scientific Services dated 11 December 2018 that level of disturbance of site is high and no significantly impact on floral or fauna biodiversity.
- e) The findings and recommendations contained in the Cultural Heritage Impact Assessment Report compiled by Archaetnos Culture & Cultural Resources Consultants dated 07 December 2018.
- f) The findings and recommendations contained in the Hydrogeological and Contamination Risk Assessment Study compiled by HK Geohydrological Services Pty Ltd dated November 2020 and reviewed in March 2022 that borehole BH 1 is ideal for ground water quality monitoring for hydrocarbons.
- g) The findings and recommendations contained in the Electrical Services Report compiled by LTZ Consulting dated 12 April 2021.
- h) The findings contained in the Market Study report compiled by Demacon Market Studies dated July 2021.
- i) The findings contained in Fuel Viability Study compiled by Techworld Consulting Engineers dated September 2021.
- j) 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) An Emergency Response Plan will be compiled and all staff will be trained on how to manage and contain spill incidents.
- b) No fatal flaws were determined in terms of the receiving environment which has no plant and animal species of conservation concern; the wetland has been delineated and a 100m buffer will be maintained and no cultural or archaeological sites were identified within the application property.
- c) There is enough capacity to connect the proposed to the electrical grid.
- d) The applicant must apply and obtain approval for the access road and Water Use License prior to commencing with the proposed filling station.
- e) The construction of the underground storage tanks and fuel pipes will be in accordance with the relevant SABS guidelines.
- f) All issues raised during public participation process were sufficiently addressed.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the Environmental Authorisation, the activity will not conflict with the general objectives of Integrated Environmental Management laid down in 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 activity 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 APPLICANT, 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 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 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; anda 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 sub-regulation (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 sub-regulation (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 sub-regulation (1) must also email, fax or hand deliver the document to the recipient, if the document is delivered by ordinary mail or registered mail.

FS

