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



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Reference No. NWP/EIA/98/2018

Attention: The Municipal Manager
Naledi Local Municipality
P.O Box 35
VRYBURG
8600

Tel No.: (053) 928 2200
Fax No.: (053) 927 3482
E-mail: 4makwena@gmail.com

PER E-EMAIL AND POST

Dear Sir/Madam

ENVIRONMENTAL AUTHORISATION FOR THE CLEARANCE OF 533.64 HECTARES OF INDIGENOUS VEGETATION TO ESTABLISH A TOWNSHIP THAT WILL BE LOCATED ON A PORTION OF THE REMAINING EXTENT OF PORTION 8 OF THE FARM ROSENDAL NO. 673 IN, A PORTION OF THE REMAINING EXTENT OF ERF 506, VRYBURG, A PORTION OF THE REMAINING EXTENT OF PORTION 3 OF THE FARM ROSENDAL NO. 673 IN AND ERVEN 3455, 4377, THE REMAINING EXTENT OF ERF 4378 AND ERF 4835, HUHUDI, THE EXPANSION OF THE EXISTING CEMETERY AT VRYBURG, THE EXPANSION OF THE EXISTING CEMETERY AT HUHUDI AND THE DEVELOPMENT OF A NEW CEMETERY, NALEDI 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 Environmental Impact Assessment Regulation of 04 December 2014, as amended:

- 1. The development of cemeteries of 2 500 square metres or more in size (Activity number 23).*
- 2. The expansion of cemeteries by 2 500 square metres or more (Activity number 44).*

Government Notice No. R325 of Environmental Impact Assessment Regulation of 04 December 2014, as amended:

- 3. The clearance of an area of 20 hectares or more of indigenous vegetation (Activity number 15).*

Government Notice No. R324 of Environmental Impact Assessment Regulation of 04 December 2014, as amended:

4. 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 in areas within a watercourse or wetland, or within 100 metres from the edge of a watercourse or wetland [Activity number 12 (iv) (vi)].

This Department has evaluated the **Environmental Impact Assessment Report** dated July 2019 received on 09 July 2019 for the clearance of 533.64 hectares of indigenous vegetation in order to establish a township that will be located on a portion of the remaining extent of portion 8 of the farm Rosendal No. 673 IN, a portion of the remaining extent of erf 506, Vryburg, a portion of the remaining extent of portion 3 of the farm Rosendal No. 673 IN and erven 3455, 4377, the remaining extent of erf 4378 and erf 4835, Huhudi, the expansion of the existing cemetery at Vryburg, the expansion of the existing cemetery at Huhudi and the development of a new cemetery, Naledi 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 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: 06/08/2019

Cc: AB Enviro Consult CC

Contact Person: Mr. J. P. de Villiers

Tel No.: (018) 294 5005

Fax No.: (018) 293 0671

Cell No.: 082 564 2642/ 083 5488 105

E-mail: jp@abenviro.co.za/brama@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/98/2018

Holder of Environmental Authorisation: Naledi Local Municipality

Location of activity: Portion of the remaining extent of portion 8 of the farm Rosendal 673 IN; a portion of the remaining extent of erf 506; portion of the remaining extent of portion 3 of Rosendal 673 IN; erven 3455; 4377; the remaining extent of erf 4378 and erf 4835, Naledi 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 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 on 07 April 2017, the Director: Environmental Quality Management of the Department of Economic Development, Environment, Conservation and Tourism authorises:-

Naledi Local Municipality

P.O Box 35
VRYBURG
8600

Tel No.: (053) 928 2200

Fax No.: (053) 927 3482086 603.7761

E-mail: 4makwena@gmail.com

to undertake the following activity:

The clearance of 533.64 hectares of indigenous vegetation in order to establish a township that will be located on a portion of the remaining extent of portion 8 of the farm Rosendal No. 673 IN, a portion of the remaining extent of erf 506, Vryburg, a portion of the remaining extent of portion 3 of the farm Rosendal No. 673 IN and erven 3455, 4377, the remaining extent of erf 4378 and erf 4835, the expansion of the existing cemetery at Vryburg, the expansion of existing cemetery at Huhudi and the development of a new cemetery. The project entails the following:



Proposed Zoning	Proposed Land use	No. of Erven
Residential 4	Dwelling Unit Minimum 300 square metres	2739 erven
	Dwelling Unit Minimum 400 square metres	4594 erven
	Dwelling Unit Minimum 500 square metres	1102 erven
Business 1	Business	3 erven
	shop	26 erven
Commercial	Business/Light Industry	1 erven
Institutional 1	Place of Instruction (Primary School)	2 erven
	Place of Instruction (Crèche)	10 erven
	Place of Worship (Church)	16 erven
Institutional 2	Community Facility	2 erven
	Sport Field	2 erven
Public Open Space 1	Public Open Space	35 erven
Public Open Space 2	Private Open Space	1 erven
Authority	Municipal	2 erven
Transport 1	Taxi Rank	2 erven
Cemetery	Cemetery	3 erven

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

Site Location:

Site Alternative (S1)	Latitude (S)	Longitude (E)
A portion of the remaining extent of portion 8 of the farm Rosendal 673 IN, a portion of the remaining extent of erf 506, Vryburg, a portion of the remaining extent of portion 3 of the farm Rosendal 673 IN, erven 3455, 4377, the remaining extent of erf 4378 and erf 4835, Huhudi, Naledi Local Municipality		
Vryburg	26° 59' 15.90"	24° 42' 50.35"
Huhudi	26° 59' 29.70"	24° 44' 47.11"
Vryburg Township	26° 58' 19.82"	24° 43' 57.67"
	26° 58' 17.75"	24° 43' 34.9"
	26° 59' 14.00"	24° 44' 15.76"
	26° 59' 10.63"	24° 41' 54.89"
Huhudi Township	26° 58' 26.94"	24° 44' 0.02"
	26° 59' 50.02"	24° 44' 33.85"
	26° 59' 37.06"	24° 45' 8.88"
Cemetery	26° 58' 56.02"	24° 45' 5.34"
	26° 59' 5.30"	24° 42' 0.33"



The property is located on the above mentioned portions adjacent to the RDP houses along the N14 and on the left side of N18 road including the informal settlement within the jurisdiction of Naledi Local Municipality, North West Province, hereafter referred to as "the property".

3. Conditions

3.1 Scope of Environmental Authorisation

3.1.1 The Alternative sites 1 (S1) are approved.

3.1.2 Authorisation of the activities 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 phased 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*:

- a) National Heritage Resource Act, 1999 (Act No. 25 of 1999).
- b) All provisions of the National Water Act, 1998 (Act No. 36 of 1998).
- c) National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004) as amended
- d) National Environmental Management: Waste Act, 2008 (Act 59 of 2008) as amended.
- e) All provisions of the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013).
- f) All provisions of Hazardous Substance Act, 1973 (Act No. 15 of 1973)
- g) The municipal by-laws must be adhered to where applicable.
- h) National Environmental Management: Biodiversity Act, 2004 (Act No: 10 of 2004).
- i) The Occupational Health and Safety Act, 1993 (Act No. 85 of 1993).



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 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
Cnr Dr. James Moroka & 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 activity 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 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 overall EMPr is based on the premise of sound environmental management that will ensure wherever possible solution to the remediation of the impacts caused by the development.
- 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 Environmental Impact Assessment Report are implemented, and to ensure compliance with the provisions of the EMPr.
- 6.2 The holder of Environmental Authorisation must ensure communications with key stakeholders in respect to monitoring of compliance with conditions of Environmental Authorisation and the EMPr and also liaise with Environmental Compliance and Enforcement Section (cnieuwoudt@nwpq.gov.za and EMulibana@nwpq.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 is put into practice.

7. Validity Period of an Environmental Authorisation

- 7.1 This Environmental Authorisation is **valid for a period of 5 years from the date of issue**.
- 7.2 All authorised activities must be concluded within the **5 year period**.
- 7.3 If the holder of the Environmental Authorisation anticipates that the conclusion of the activities would not occur within a **5 year period**, he/she **must prior to the lapse of 5 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.
- 7.4 Should the Environmental Authorisation for the authorised activities **expire**, the said authorisation for the activity not concluded will be null and void and a new application for an Environmental Authorisation must be made in order for the activity to be undertaken.



8. Recording and reporting to the Department

- 8.1 **14 days** written notice must be given to the Departments' Environmental Compliance and Enforcement Section that the activity will commence at cnieuwoudt@nwpg.gov.za and EMulibana@nwpg.gov.za.
- 8.2 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.
- 8.3 All incidents of major hazardous substances spill 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. Site Closure and Decommissioning of the activity

- 9.1 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.
- 9.2 The disturbed areas must be rehabilitated to almost a natural state, and landscaping of the disturbed areas must make extensive use of locally appropriate indigenous vegetation.

10. Specific conditions

- 10.1 The development site must be suitably demarcated prior to the commencement and construction must be restricted to the demarcated area to minimise the impacts on the surrounding environment and the footprint of the development must be restricted to 533.64 hectares.
- 10.2 The reliable daily yield in terms of bulk water supply from the production boreholes must be taken at 90% of the total potential yield, assuming that 10% of the boreholes will be under maintenance or repair at any given time.
- 10.3 Storm water infrastructure must be designed to accommodate runoff as surface flow in an open system by designing internal roadways to disperse storm water towards the undeveloped green zones located east of Huhudi Extension 1 and north east of Vryburg Extension 29.
- 10.4 Storm water diversion measured such as ponding pools must be implemented to control peak flows during thunderstorm.
- 10.5 All embankments must be adequately compacted and planted with grass to stop any excessive erosion and scouring of the landscape.
- 10.6 Test trenching in selected areas must be done to determine if there are any "in situ" archaeological deposits in areas where township development will take place and to interpret it within the Stone Age archaeology of the larger geographical area.
- 10.7 A percussion borehole must be drilled on the site proposed for development of new cemetery to verify the depth of the groundwater below the basal buffer zone. This borehole must serve for future reference, as monitoring borehole for purpose of monitoring any contamination.

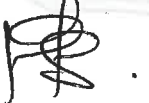


- 10.8 Exclusion of the small restricted pan depressions at the site must be upheld and a buffer zone of 30 metres must apply for each pan.
- 10.9 One individual of a protected tree species, *Vachellia erioloba* (Camel Thorn) which is found on site must not be cut or removed without a permit from the Department of Environment, Forestry and Fishery as the tree is protected in terms of National Forest Act, 1998 (Act No. 84 of 1998).
- 10.10 No surface or ground water must be polluted due to any activities on the property or site. General housekeeping at the site must be kept at a high standard. The requirements of the National Water Act, 1998 (Act No. 36 of 1998) must be complied with at all times.
- 10.11 The holder of the Environmental Authorisation (Naledi 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), as amended.

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 who requests to see it and must be made available for inspection by any employee or agent of the holder of the Environmental Authorisation who works or undertakes work at the property.
- 11.2 The holder of the Environmental Authorisation must notify the Department, in writing and within **48 hours**, if any condition of this Environmental Authorisation cannot be or is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance. 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 National government, provincial government, local authorities or committees appointed in terms of the conditions of this Environmental Authorisation or any other public authority shall not be held responsible for any damages or losses suffered by the applicant or his successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped 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: 06/08/2019



ANNEXURE 1: REASONS FOR ENVIRONMENTAL AUTHORISATION

1. Background

The Applicant, **Naledi Local Municipality** applied for Environmental Authorisation to carry out the following activity:

The clearance of 533.64 hectares of indigenous vegetation to establish a township the expansion of the existing cemetery at Vryburg, the expansion of existing cemetery at Huhudi and the development of a new cemetery within the jurisdiction of Naledi Local Municipality, North West Province.

The applicant appointed AB Enviro Consult CC to undertake the Environmental Impact 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 Environmental Impact Assessment Report (EIAR) dated July 2019 compiled by AB Enviro Consult CC received by the Department on 09 July 2019.
- b) Geo-technical Report dated August 2018 compiled by GEOSSET cc indicated that no dolomite occurs on site and no stability investigation is required.
- c) A new 3 Ml ground reservoir as well as new elevated 3 Ml reservoir must be constructed in order to eradicate storage shortfalls of Huhudi and Vryburg Extensions 25 & 28.
- d) 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.
- e) The findings of a site visit undertaken by Department official Ms. Obitseng Moholo with Mr. J. P. de Villiers of AB Enviro Consult CC on 31 May 2019.

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 2 of the EIA Regulations of 2014 as amended.
- b) The expertise of the Environmental Assessment Practitioner in conducting the Environmental Impact Assessment process. The details provided indicate that the EAP meets the Requirements of Regulation 13 of EIA Regulations of 2014 as amended and is competent to carry out the Environmental Impact Assessment (EIA) process.



- c) The Environmental Management Programme presented in the EIAR 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 EIAR.
- d) 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 "Stellalander newspaper" dated 10 April 2019 as part of the public participation process.
- e) Eskom has indicated that they will be able to supply additional capacity through their 132kV network from the Mookodi MTS.
- f) Heritage Impact Assessment dated August 2018 compiled by Apelser Archaeological Consulting stated that from a cultural heritage point of view the development should be allowed to continue once the recommended mitigation measures mentioned in 10.8 and 10.9 have been implemented.
- g) Bulk service report dated April 2019 compiled by Moedi Consulting Engineers stated that although there is not sufficient bulk water currently available in Vryburg to support the new development, the expected future supply appears to meet the projected demand calculated (i.e. 14.2Ml/day).
- 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) Dr. Ruth Segomotsi Mompoti District Municipality is currently constructing a new 16.0 Ml/day waste water treatment works (WWTW) south east of Huhudi in order to increase the capacity of WWTW as the current one will not have sufficient capacity to accommodate the increased load created by the new development.
- b) Footprint at the site is situated at Other Natural Area (ONA) as well as an Ecological Support Area 1. This means that the development is in fair ecological condition but falls outside the protected area network and has not been identified as Critical Biodiversity Areas (CBAs).

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; and a statement, including supporting documentation, by the appellant to confirm compliance with regulation 4(1) of these Regulations.

Responding statement

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

Appeal panel

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

Recommendations and decisions on appeals

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

Communication

8. (1) A person may deliver documents in terms of these regulations by using one of the delivery methods referred to in section 47D of the Act, 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.

