

8 December 2021

Dear Authority / Organ of State / Stakeholder / Registered I&AP

RE: ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, ACT NO. 107 OF 1998, AS AMENDED: FOR THE UPGRADE OF THE GORDONIA-AVONDALE 132kV TRANSMISSION LINE, UPINGTON, NORTHERN CAPE

The existing 132kV Gordonia-Garona distribution line is approximately 30 years old and runs from Upington, Northern Cape in an Easterly direction and then later south towards Groblershoop. Eskom requires that Umoyilanga (Pty) Ltd, a preferred bidder selected as part of the Department of Mineral Resources and Energy (DMRE) Risk Mitigation Independent Power Producer Procurement Programme (RMIPPPP), upgrade an existing portion (± 32 km) of the 132kV Gordonia-Garona distribution line as part of the works required for connecting the new Avondale Hybrid Solar project to the grid.

On behalf of Umoyilanga (Pty) Ltd, you are hereby notified that the Department of Forestry, Fisheries and the Environment (DFFE) has decided to **grant** Environmental Authorisation (EA) for the upgrade of the Avondale-Gordonia 132kV transmission line.

- **DFFE Reference Number:** 14/12/16/3/3/1/2416
- **Date of Authorisation:** 26 November 2021
- **Right to Appeal:** You are hereby notified to your right to lodge an appeal against the decision in terms of the National Environmental Management Act: National Appeal Regulations (GN R.993 of 8 December 2014 as amended). Appeals must comply with the provisions contained in the National Appeal Regulations 2014 (as amended).
 - For the purposes of an appeal submission a copy of the National Appeal Regulations is included herewith for your convenience.
- **Access to the EA:** A full copy of the EA is included with this notification.
- **Reasons for the Decision:** The DFFE's reasons for the decision is included in Appendix A for the EA.

Please contact Zutari via the following email should you have any queries – Wynand.Loftus@zutari.com

Zutari places a high premium on the privacy & personal information of our stakeholders. The processing of personal information is subject to the Protection of Personal Information Act (POPIA), Act No. 4 of 2013.

Yours faithfully



Wynand Loftus
Senior Environmental Consultant

- Enc:
- 1) Full copy of Environmental Authorisation
 - 2) National Environmental Management Act: National Appeal Regulations (GN R.993 of 8 December 2014 as amended)





forestry, fisheries & the environment

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

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

DFFE Reference: 14/12/16/3/3/1/2416

Enquiries: Ms Thabile Sangweni

Telephone: (012) 399 9409 **E-mail:** Tsangweni@dff.gov.za

Mr Louis Dewavrin
Umoyilanga (Pty) Ltd
Waterfront Business Park
Building 5 – Ground Floor
1204 Humerail
PORT ELIZABETH
6000

Telephone Number: (041) 506 4900
Email Address: louis.dewavrin@edf-re.co.za

PER EMAIL

Dear Mr Dewavrin

ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, ACT NO. 107 OF 1998, AS AMENDED: FOR THE UPGRADE OF THE GORDONIA-AVONDALE 132KV TRANSMISSION LINE, UPINGTON, NORTHERN CAPE

With reference to the above application, please be advised that the Department has decided to grant authorisation. The Environmental Authorisation (EA) and reasons for the decision are attached herewith.

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

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

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

Should any person wish to lodge an appeal against this decision, he/she must submit the appeal to the appeal administrator, and a copy of the appeal to the applicant, any registered interested and affected party, and any organ of state with interest in the matter within 20 days from the date that the notification of the decision was sent to the registered interested and affected parties by the applicant; or the date that the notification of the decision was sent to the applicant by the Department, whichever is applicable.

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

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

By email: appeals@environment.gov.za;

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

By post: Private Bag X447
Pretoria
0001

Please note that in terms of Section 43(7) of the National Environmental Management Act, Act No. 107 of 1998, as amended, the lodging of an appeal will suspend the environmental authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged, you may not commence with the activity until such time that the appeal is finalised.

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

Yours faithfully


Mr Sabelo Malaza
Chief Director: Integrated Environmental Authorisations
Department of Forestry, Fisheries and the Environment

Date: 26/11/2021

cc:	Wynand Loftus	Zutari (Pty) Ltd	E-mail: Waynand.Loftus@zutari.com
-----	---------------	------------------	--



**forestry, fisheries
& the environment**

Department
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

Environmental Authorisation

In terms of Regulation 20(1)(a) of the Environmental Impact Assessment Regulations, 2014,
as amended

The upgrade of the Gordonia-Avondale 132kV Transmission Line near Upington within the Dawid
Kruiper Local Municipality in the Northern Cape Province

ZF Mgcawu District Municipality

Authorisation register number:	14/12/16/3/3/1/2416
Holder of authorisation:	Umoyilanga (Pty) Ltd
Location of activity:	Erf 4350 Upington; Portion 2 of Farm Koras 412; RE of Farm Uizip 413; Portion 7 of Farm Uitkomst 420; Portion 11 of Farm Uitkomst 420; RE of Farm Rouxville 605; RE of Farm Sandflats 653; RE of Farm Melkstroom 563; Portion 2 of Farm Kameelpoort 414; Portion 1 of Farm Avondale 410; Portion 18 of Farm UAP 418; Dawid Kruiper Local Municipality ZF Mgcawu District Municipality Northern Cape Province

This authorisation does not negate the holder of the authorisation's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.

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 activities specified below.

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, Act No. 107 of 1998, as amended and the EIA Regulations, 2014, as amended.

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

Activities authorised

By virtue of the powers conferred on it by the National Environmental Management Act, Act No. 107 of 1998, as amended and the Environmental Impact Assessment Regulations, 2014, as amended, the Department hereby authorises –

UMOYILANGA (PTY) LTD

with the following contact details –

Mr Louis Dewavrin
Waterfront Business Park
Building 5 – Ground Floor
1204 Humerail
PORT ELIZABETH
6000

Telephone Number: (041) 506 4900
Email Address: louis.dewavrin@edf-re.co.za

to undertake the following activities (hereafter referred to as "the activity") indicated in Listing Notice 1 and Listing Notice 3 of the EIA Regulations, 2014 as amended:

Activity number	Activity description
<p><u>Listing Notice 1, Item 19:</u> <i>"The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse."</i></p>	<p>A number of the existing pylons are located inside a defined watercourse and removal of the existing foundations would result in the movement of more than 10m³ of soil within a watercourse.</p>
<p><u>Listing Notice 1, Item 48:</u> <i>"The expansion of-</i> <i>(i) Infrastructure or structures where the physical footprint is expanded by 100 square metres or more; where such expansion occurs-</i> <i>(a) within a watercourse;</i> <i>(b) in front of a development setback; or</i> <i>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse."</i></p>	<p>Upgrading of the line will result in the expansion of pylon footprints in excess of 100m² and will take place within 32m of the watercourses at the site as delineated by the aquatic specialist.</p>
<p><u>Listing Notice 3, Item 12:</u> <i>"The clearance of an area of 300 square metres or more of indigenous vegetation within</i> <i>(i) The Northern Cape</i> <i>ii. Within Critical Biodiversity Areas identified in bioregional plans."</i></p>	<p>±58 of the existing pylons are located inside a CBA. Should the same number of new pylons be constructed inside the CBA it would result in the clearance of 371m² of indigenous vegetation.</p>
<p><u>Listing Notice 3, Item 23:</u> <i>"The expansion of—</i> <i>(ii) infrastructure or structures where the physical footprint is expanded by 10 square metres or more; where such expansion occurs—</i> <i>(a) within a watercourse;</i></p>	<p>Pylons to be upgraded inside a CBA are located within 32m of a watercourse and the expansion of the pylon footprints in these areas would be in excess of 10m².</p>

<p>(c) if no development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse;</p> <p>(i) Northern Cape i. sensitive areas.”</p>	
---	--

as described in the Basic Assessment Report (BAR) dated October 2021 at:

21 Digit SG Code

C	0	2	8	0	0	0	7	0	0	0	0	4	3	5	0	0	0	0	0	0
C	0	2	8	0	0	0	0	0	0	0	0	0	4	1	2	0	0	0	0	2
C	0	2	8	0	0	0	0	0	0	0	0	0	4	1	3	0	0	0	0	0
C	0	2	8	0	0	0	0	0	0	0	0	0	4	2	0	0	0	0	0	7
C	0	2	8	0	0	0	0	0	0	0	0	0	4	2	0	0	0	0	1	1
C	0	2	8	0	0	0	0	0	0	0	0	0	6	0	5	0	0	0	0	0
C	0	2	8	0	0	0	0	0	0	0	0	0	6	5	3	0	0	0	0	0
C	0	2	8	0	0	0	0	0	0	0	0	0	5	6	3	0	0	0	0	0
C	0	2	8	0	0	0	0	0	0	0	0	0	4	1	4	0	0	0	0	2
C	0	2	8	0	0	0	0	0	0	0	0	0	4	1	0	0	0	0	0	1
C	0	2	8	0	0	0	0	0	0	0	0	0	4	1	8	0	0	0	1	8

- for the upgrade of the Gordonia-Avondale 132kV Transmission Line near Uptington in the Northern Cape Province, hereafter referred to as “the property”.

The development will comprise the following:

- Transmission line and pylon structures;
- Pylon foundations;
- Substations;
- Access and service roads;
- Temporary laydown areas and site camps;
- Specifications for bird flight diverters installation on a power line; and
- Provision of services required during construction i.e. labour, water supply and waste.

Conditions of this Environmental Authorisation

Scope of authorisation

1. The upgrade of the Gordonia-Avondale 132kV Transmission Line near Upington in the Northern Cape Province, as described above is hereby approved.
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 authorisation.
3. The holder of the authorisation is 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 authorisation.
4. The activities authorised may only be carried out at the property as described above.
5. Any changes to, or deviations from, the project description set out in this environmental authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the authorisation to apply for further environmental authorisation in terms of the regulations.
6. The holder of an environmental authorisation must apply for an amendment of the environmental authorisation with the competent authority for any alienation, transfer or change of ownership rights in the property on which the activity is to take place.
7. This activity must commence within a period of ten (10) years from the date of issue of this environmental authorisation. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.
8. Construction must be completed within five (5) years of the commencement of the activity on site.
9. Commencement with one activity listed in terms of this environmental authorisation constitutes commencement of all authorised activities.

Notification of authorisation and right to appeal

10. The holder of the authorisation must notify every registered interested and affected party, in writing and within 14 (fourteen) calendar days of the date of this Environmental Authorisation, of the decision to authorise the activity.
11. The notification referred to must –
 - 11.1. specify the date on which the authorisation was issued;
 - 11.2. inform the interested and affected party of the appeal procedure provided for in the National Appeal Regulations, 2014;
 - 11.3. advise the interested and affected party that a copy of the authorisation will be furnished on request; and
 - 11.4. give the reasons of the Competent Authority for the decision.

Commencement of the activity

12. The authorised activity shall not commence until the period for the submission of appeals has lapsed as per the National Appeal Regulations, 2014, and no appeal has been lodged against the decision. In terms of Section 43(7), an appeal under Section 43 of the National Environmental Management Act, Act No. 107 of 1998, as amended will suspend the Environmental Authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged you may not commence with the activity until such time that the appeal has been finalised.

Management of the activity

13. A final site layout plan for the upgrade of the Gordonia-Avondale 132kV transmission and all associated infrastructure, as determined by the detailed engineering phase and micro-siting of the power line route and pylon structures, and all mitigation measures as dictated by the final site layout plan, must be submitted to the Department for approval prior to construction. A copy of the final site layout map must be made available for comments to registered Interested and Affected Parties and the holder of this environmental authorisation must consider such comments. Once amended, the final development layout map must be submitted to the Department for written approval prior to commencement of the activity. All available biodiversity information must be used in the finalisation of the layout map. Existing infrastructure must be used as far as possible e.g., roads. The layout map must indicate the following:

- 13.1. The position of the substation (indicating the Independent Power Producer's Section and Eskom's section, if applicable);
 - 13.2. The final delineation of the centreline of the power line within the approved corridor;
 - 13.3. The specific position of the pylon structures and foundation footprints;
 - 13.4. All existing infrastructure on the site, especially roads;
 - 13.5. All heritage/palaeontology sites identified as significant;
 - 13.6. All associated infrastructure within the assessed study area, including the service road, the expanded sections of the existing roads and bridges, O&M buildings, including the dangerous goods facility, and temporary laydown areas. The dimensions of the structures must be indicated;
 - 13.7. All sensitive environmental features that will be affected by the transmission power line;
 - 13.8. All watercourse areas (inclusive of buffers); and
 - 13.9. All "no-go" and buffer areas.
14. Part C (Site Specific Environmental Attributes) of the generic Environmental Management Programmes (EMPrs) for the upgrade of the Gordonia-Avondale 132kV transmission and all associated infrastructure, submitted as part of the final BAR dated October 2021, is not approved. Part C must be amended to include measures as dictated by the final site lay-out map and micro-siting, and the provisions of this environmental authorisation. Part C of the generic EMPrs must be made available for comments to registered Interested and Affected Parties and the holder of this environmental authorisation must consider such comments. Once amended, the generic EMPrs must be submitted to the Department for written approval of Part C prior to commencement of the activity. Part C of the generic EMPrs must be amended to include the following:
- 14.1. The requirements and conditions of this environmental authorisation;
 - 14.2. Measures as dictated by the final site lay-out map and micro-siting;
 - 14.3. All recommendations and mitigation measures recorded in the BAR and the specialist reports as included in the final BAR dated October 2021;
 - 14.4. All recommendations and mitigation measures to be implemented for the operational phase of the dangerous goods facility;
 - 14.5. An effective monitoring system to detect any leakage or spillage of any hazardous substances during their transportation, handling, use or storage. This must include precautionary measures to limit the possibility of oil and other toxic liquids from entering the soil or storm water systems;
 - 14.6. A fire management plan to be implemented during the construction and operation of the facility;

- 14.7. A re-vegetation and habitat rehabilitation plan. The plan must provide for restoration to be undertaken as soon as possible after completion of construction activities, to reduce the amount of habitat converted at any one time and to speed up the recovery to natural habitats.
- 14.8. An aquatic rehabilitation and monitoring plan, particularly for watercourse features that will be infilled and / or excavated;
- 14.9. A stormwater management plan; and
- 14.10. The final site layout map.
15. Once approved the generic EMPs must be implemented and adhered to. They shall be seen as dynamic documents and shall be included in all contract documentation for the development.
16. Changes to the approved EMPs must be submitted in accordance with the EIA Regulations applicable at the time.
17. The Department reserves the right to amend the approved EMPs, should any impacts that were not anticipated or covered in the BAR be discovered.

Frequency and process of updating the EMP

18. The EMP must be updated where the findings of the environmental audit reports, contemplated in Condition 29 below, indicate insufficient mitigation of environmental impacts associated with the undertaking of the activity, or insufficient levels of compliance with the environmental authorisation or EMP.
19. The updated EMP must contain recommendations to rectify the shortcomings identified in the environmental audit report.
20. The updated EMP must be submitted to the Department for approval together with the environmental audit report, as per Regulation 34 of GN R. 982. The updated EMP must have been subjected to a public participation process, which process has been agreed to by the Department, prior to submission of the updated EMP to the Department for approval.
21. In assessing whether to grant approval of an EMP which has been updated as a result of an audit, the Department will consider the processes prescribed in Regulation 35 of GN R.982 as amended. Prior to approving an amended EMP, the Department may request such amendments to the EMP as it deems appropriate to ensure that the EMP sufficiently provides for avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity.
22. The holder of the authorisation may apply for an amendment of an EMP, if such amendment is required before an audit is required. The amendment process is prescribed in Regulation 37 of GN R.982, as

amended. The holder of the authorisation must request comments on the proposed amendments to the impact management outcomes of the EMPr or amendments to the closure objectives of the closure plan from potentially interested and affected parties, including the competent authority, by using any of the methods provided for in the Act for a period of at least 30 days.

Monitoring

23. The holder of the authorisation must appoint an experienced Environmental Control Officer (ECO) for the construction phase of the development that will have the responsibility to ensure that the mitigation/rehabilitation measures and recommendations referred to in this environmental authorisation are implemented and to ensure compliance with the provisions of the approved EMPr.
24. The ECO must be appointed before commencement of any authorised activities.
25. Once appointed, the name and contact details of the ECO must be submitted to the Director: Compliance Monitoring of the Department at Directorcompliance@environment.gov.za.
26. The ECO must keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
27. The ECO must remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the site is ready for operation.

Recording and reporting to the Department

28. All documentation e.g. audit/monitoring/compliance reports and notifications, required to be submitted to the Department in terms of this environmental authorisation, must be submitted to the Director: Compliance Monitoring of the Department at Directorcompliance@environment.gov.za.
29. The holder of the environmental authorisation must, for the period during which the environmental authorisation and EMPr remain valid, ensure that project compliance with the conditions of the environmental authorisation and the EMPr are audited, and that the audit reports are submitted to the Director: Compliance Monitoring of the Department at Directorcompliance@environment.gov.za.
30. The frequency of auditing and of submission of the environmental audit reports must be as per the frequency indicated in the EMPr, taking into account the processes for such auditing as prescribed in Regulation 34 of GN R. 982, as amended.

31. The holder of the authorisation must, in addition, submit environmental audit reports to the Department within 30 days of completion of the construction phase (i.e. within 30 days of site handover) and a final environmental audit report within 30 days of completion of rehabilitation activities.
32. The environmental audit reports must be compiled in accordance with Appendix 7 of the EIA Regulations, 2014, as amended, and must indicate the date of the audit, the name of the auditor and the outcome of the audit in terms of compliance with the environmental authorisation conditions as well as the requirements of the approved EMPr.
33. 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.

Notification to authorities

34. A written notification of commencement must be given to the Department no later than fourteen (14) days prior to the commencement of the activity. Commencement for the purposes of this condition includes site preparation. The notice must include a date on which it is anticipated that the activity will commence, as well as a reference number.

Operation of the activity

35. A written notification of operation must be given to the Department no later than fourteen (14) days prior to the commencement of the activity operational phase.

Site closure and decommissioning

36. Should the activity ever cease or become redundant, the holder of the 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.

Specific conditions

37. Disturbance of the red sand dune on the Farm Uizip 413 must be avoided.
 38. Bird Flight Divertors are to be attached to the transmission line for a distance of at least 5.2km each side of the Verreaux's Eagle nests and 5km each side of the Martial Eagle nests.
-

39. For the Verreaux's Eagle and Martial Eagle nests, alternative nesting platforms of appropriate design must be designed and constructed in consultation with BirdLife South Africa (BLSA) and the Endangered Wildlife Trust (EWT) in the immediate vicinity of the existing nests.
 40. Pylon replacement activities (including site access) must not occur within 1 000m of the identified Verreaux's Eagle or Martial Eagle new nesting platforms during the breeding period (May, June, July, August, September).
 41. An area 1 000m from the new nesting platforms must be clearly demarcated during these periods and considered to be temporary 'No-Go' areas.
 42. An appropriately suitably qualified Terrestrial Ecologist, an Aquatic Ecologist, an Archaeologist, a Palaeontologist and an Avifaunal Specialist must be present for the 'walk-through' of the approved corridor, to identify spans that mitigate the impact of collisions and tower/pylon placements that avoid sensitive vegetation and watercourses.
 43. The final route alignment must be submitted to this Department prior to construction commencing.
 44. All construction camps, lay down areas, batching plants or areas and any stores must be more than 32m from any demarcated water courses and 50m from a wetland.
 45. Anti-collision devices such as bird flappers must be installed where the power line crosses avifaunal corridors. The input of an avifaunal specialist must be obtained for the fitting of the anti-collision devices onto specific sections of the line once the exact positions of the towers have been surveyed and pegged.
 46. A permit must be obtained from the relevant nature conservation agency for the removal or destruction of any indigenous protected and endangered plant and animal species if required.
 47. Ablution facilities must be placed outside of the 1:100 year floodline of a watercourse.
 48. No exotic plants may be used for rehabilitation purposes. Only indigenous plants occurring within a ten (10) kilometre radius of the development site must be utilised.
 49. Vegetation clearing must be kept to an absolute minimum. Mitigation measures must be implemented to reduce the risk of erosion and the invasion of alien species.
 50. Construction must include design measures that allow surface and subsurface movement of water along drainage lines so as not to impede natural surface and subsurface flows. Drainage measures must promote the dissipation of storm water run-off.
 51. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling, re-use and disposal where appropriate.
 52. Any solid waste, which will not be recycled, must be disposed of at a landfill licensed in terms of section 20 (b) of the National Environment Management Waste Act, 2008 (Act No. 59 of 2008). No waste material may be left on site after construction.
-

53. If any evidence of archaeological sites or remains (e.g., remnants of stone-made structures, indigenous ceramics, bones, stone artefacts, ostrich eggshell fragments, marine shell and charcoal/ash concentrations), unmarked human burials, fossils or other categories of heritage resources are found during construction, the South African Heritage Resources Agency (SAHRA) must be alerted immediately, and a professional archaeologist or palaeontologist, must be contacted to inspect the findings.
54. The recommendations of the EAP in the BAR dated October 2021 and the specialist studies attached must be adhered to. In the event of any conflicting mitigation measures and conditions of the Environmental Authorisation, the specific condition of this Environmental Authorisation will take preference.

General

55. A copy of this environmental authorisation, the audit and compliance monitoring reports, and the approved EMPr, must be made available for inspection and copying-
- 55.1. at the site of the authorised activity;
 - 55.2. to anyone on request; and
 - 55.3. where the holder of the environmental authorisation has a website, on such publicly accessible website.
56. National government, provincial government, local authorities or committees appointed in terms of the conditions of this authorisation or any other public authority shall not be held responsible for any damages or losses suffered by the holder of the authorisation or his/her 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 holder of the authorisation with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

Date of environmental authorisation: 26/11/2021


Mr Sabelo Malaza

Chief Director: Integrated Environmental Authorisations
Department of Forestry, Fisheries and the Environment

Annexure 1: Reasons for Decision

1. Information considered in making the decision

In reaching its decision, the Department took, *inter alia*, the following into consideration -

- a) The listed activities as applied for in the application form received on 20 August 2021.
- b) The information contained in the BAR dated October 2021.
- c) The comments received from interested and affected parties as included in the BAR dated October 2021.
- d) Mitigation measures as proposed in the BAR and the EMPr dated October 2021.
- e) The information contained in the specialist studies contained within the appendices of the BAR dated October 2021.

2. 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 findings of all the specialist studies conducted and their recommended mitigation measures.
- b) The need for the proposed project stems from the evacuation of electricity from the Avondale Hybrid Solar Facility to the national grid.
- c) The BAR dated October 2021 identified all legislations and guidelines that have been considered in the preparation of the BAR.
- d) The methodology used in assessing the potential impacts identified in the BAR dated October 2021 and the specialist studies have been adequately indicated.
- e) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations, 2014, as amended for public involvement.

3. Findings

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

- a) The identification and assessment of impacts are detailed in the BAR dated October 2021 and sufficient assessment of the key identified issues and impacts have been completed.
- b) The procedure followed for impact assessment is adequate for the decision-making process.
- c) The information contained in the BAR dated October 2021 is deemed to be accurate and credible.

- d) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- e) EMPr measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the BAR dated October 2021 and will be implemented to manage the identified environmental impacts during the construction phase.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the authorised activities will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act, Act No. 107 of 1998, as amended, and that any potentially detrimental environmental impacts resulting from the authorised activities can be mitigated to acceptable levels. The environmental authorisation is accordingly granted.

MS

GOVERNMENT NOTICES

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

No. R. 993

8 December 2014

NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998
(ACT NO. 107 OF 1998)

NATIONAL APPEAL REGULATIONS

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby make the regulations pertaining to the processing, consideration of, and decision on appeals, under section 44(1)(a) read with section 43(4) of the National Environmental Management Act, 1998 (Act No. 107 of 1998), as set out in the Schedule hereto.



BOMO EDITH EDNA MOLEWA
MINISTER OF ENVIRONMENTAL AFFAIRS

SCHEDULE

TABLE OF CONTENTS

CHAPTER 1

INTEPRETATION AND PURPOSE OF REGULATIONS

1. Interpretation
2. Purpose of Regulations
3. Application of Regulations

CHAPTER 2

ADMINISTRATION AND PROCESSING OF APPEALS

4. Appeal submission
5. Responding statement
6. Appeal panel
7. Recommendations and decisions on appeals
8. Communication

CHAPTER 3

GENERAL MATTERS

9. Repeal of regulations
10. Transitional arrangements
11. Short title and commencement

Annexure 1: Regulations Repealed

CHAPTER 1

INTERPRETATION AND PURPOSE OF REGULATIONS

Interpretation

1. (1) In these Regulations any word or expression to which a meaning has been assigned in the Act, and unless the context requires otherwise—

“appeal administrator” means a holder of an office in the Department or Provincial Department responsible for environmental affairs who administers the appeal on behalf of the appeal authority;

“appeal authority” is the Minister, the MEC or a person delegated the power to decide on appeals by the Minister or MEC, as the case may be;

“appellant” means any person who is entitled to submit an appeal in terms of the legislation referred to in regulation 3(1) of these Regulations;

“decision-maker” means an official who has been delegated the authority to make a decision in terms of the laws referred to in regulation 3(1) of these Regulations;

“applicant” means a person to whom a decision has been issued in terms of the Act or specific environmental management Act;

“independent”, in relation to a person appointed as a member of an appeal panel or a person providing an appeal authority with expert advice as contemplated in regulation 6 of these Regulations, means—

- (a) that such a person has no business, financial, personal or other interest in the appeal in respect of which that person is appointed in terms of these Regulations other than fair remuneration for work performed in connection with that appeal; and
- (b) that there are no circumstances that may compromise the objectivity of that person in performing such work;

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

- (2) When a period of days must be reckoned in terms of these Regulations, the period must be reckoned as from the start of the day following that particular day to the end of the last day of the period, but if the last day of the period falls on a Saturday, Sunday or public holiday, that period must be extended to the end of the next day which is not a Saturday, Sunday or public holiday, and the period of 15 December to 5 January must be excluded from the reckoning of days.
- (3) Where a prescribed timeframe is affected by one or more public holidays, the timeframe must be extended by the number of public holiday days falling within that timeframe.

Purpose of Regulations

2. The purpose of these Regulations is to regulate the procedure contemplated in section 43(4) of the Act relating to the submission, processing and consideration of, a decision on an appeal.

Application of Regulations

3. (1) These Regulations are applicable to an appeal in terms of section 43 of the Act to the Minister or MEC against a decision taken in terms of the:

- (a) Environment Conservation Act, 1989 (Act No. 73 of 1989);
- (b) National Environmental Management Act, 1998 (Act No. 107 of 1998);
- (c) National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004);
- (d) National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004); or
- (e) National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008);

and subordinate legislation made in terms of any of these Acts.

- (2) No appeal is available if the Minister or MEC took the decision himself or herself in his or her capacity as the competent authority, issuing authority or licensing authority.
- (3) An appeal against a decision by an official or municipal manager acting under delegated authority from a metropolitan, district or local municipality must be submitted, processed and considered in terms of section 62 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000).

CHAPTER 2

ADMINISTRATION AND PROCESSING OF APPEALS

Appeal submission

4. (1) An appellant must submit the appeal to the appeal administrator, and a copy of the appeal to the applicant, any registered interested and affected party and any organ of state with interest in the matter within 20 days from:

- (a) the date that the notification of the decision for an application for an environmental authorisation or a waste management licence was sent to the registered interested and affected parties by the applicant; or
 - (b) the date that the notification of the decision was sent to the applicant by the competent authority, issuing authority or licensing authority, in the case of decisions other than those referred to in paragraph (a).
- (2) An appeal submission must be—
- (a) submitted in writing in the form obtainable from the appeal administrator; and
 - (b) accompanied by—
 - (i) a statement setting out the grounds of appeal;
 - (ii) supporting documentation which is referred to in the appeal submission; and
 - (iii) a statement, including supporting documentation, by the appellant to confirm compliance with regulation 4(1) of these Regulations.

Responding statement

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

Appeal panel

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

Recommendations and decisions on appeals

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

Communication

8. (1) A person may deliver documents in terms of these regulations by using one of the delivery methods referred to in section 47D of the Act.
- (2) In order to meet the time periods determined in these regulations, the person referred to in subregulation (1), must also email, fax or hand deliver the document to the recipient, if the document is delivered by ordinary mail or registered mail.

CHAPTER 3

GENERAL MATTERS

Repeal of regulations

9. The regulations mentioned in the Table in Annexure 1 to these Regulations are hereby repealed or amended to the extent set out in the third column of the Table.

Transitional arrangements

10. (1) An appeal lodged prior to the commencement of these Regulations, and which is still pending when these Regulations takes effect, must be finalised in terms of the legislation that applied at the time when the appeal was lodged.
- (2) An appeal lodged after the commencement of the Environmental Impact Assessment Regulations, 2014 must be submitted, processed and considered in terms of these Regulations.

Short title and commencement

11. These Regulations are called the National Appeal Regulations, 2014, and take effect on the date of publication in the *Gazette*.

ANNEXURE 1

REGULATIONS REPEALED		
Date and year of publication	Short title	Extent of repeal
Government Notice No. R.543, <i>Gazette No. 33306</i> of 18 June 2010.	Environmental Impact Assessment Regulations, 2010.	Chapter 7.



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

GUIDELINE ON THE ADMINISTRATION OF APPEALS

Please note: This guideline must be read together with the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA"), and the National Appeal Regulations, 2014.

Enquiries and Comments: All enquiries and comments should be addressed to –

Mr Ziyaad Hassam
Director: Appeals and Legal Review
Department of Environmental Affairs
Private Bag X447
Pretoria
0001,
South Africa.
Tel: 012 399 9356
email: Appealsdirector@environment.gov.za

CONTENTS

1. DEFINITIONS
2. INTRODUCTION
3. APPEAL SUBMISSIONS
4. NOTIFICATION OF A DECISION MADE BY THE DEPARTMENT
5. LODGING OF AN APPEAL
6. SUSPENSION OF AUTHORISATION
7. HINTS ON DRAFTING OF APPEALS
8. RESPONDING STATEMENT
9. APPEAL PANEL
10. DECISION ON APPEAL
11. TRANSITIONAL ARRANGEMENTS
12. REQUESTS FOR CONDONATION OR EXTENSION OF TIME PERIODS

APPENDICES

APPEAL QUESTIONNAIRE

APPEAL AND RESPONSE FORM

1. DEFINITIONS

“Appeal Administrator” is a holder of an office in the Department or Provincial Department responsible for environmental affairs who administers the appeal on behalf of the appeal authority;

“Appeal Authority” is the Minister, the MEC or person delegated the power to decide on appeals by the Minister or MEC, as the case may be.

“Appellant” means any person who is entitled to submit an appeal in terms of the laws referred to in regulation 3(1) of these Regulations;

“Decision-maker” means an official who has been delegated the authority to make a decision in terms of the laws referred to in regulation 3(1) of these Regulations;

“Applicant” means a person to whom a decision has been issued in terms of the Act or specific environmental management Act;

“Independent”, in relation to a person appointed as a member of an appeal panel or a person providing an appeal authority with expert advice as contemplated in regulation 6, means—

- (a) that such a person has no business, financial, personal or other interest in the appeal in respect of which that person is appointed in terms of these Regulations other than fair remuneration for work performed in connection with that appeal; and
- (b) that there are no circumstances that may compromise the objectivity of that person in performing such work;

“Person” has the meaning assigned to it in section 1 of NEMA;

“Days” means calendar days.

Note: When a period of days must be reckoned in terms of these regulations, the period must be reckoned as from the start of the day following that particular day to the end of the last day of the period, but if the last day of the period falls on a Saturday, Sunday or public holiday, that period must be extended to the end of the next day which is not a Saturday, Sunday or public holiday, and the period of 15 December to 1 January must be excluded from the reckoning of days.

"Department", means the Department of Environmental Affairs.

"EIA" means Environmental Impact Assessment.

"EIA Regulations", means the Environmental Impact Assessment Regulations promulgated in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998).

"Environmental authorisation" means the authorisation by a competent authority of a listed or specified activity in terms of NEMA, and includes a similar authorisation contemplated in a specific environmental management Act.

"I&AP" means Interested and Affected Party.

"NEMA" means National Environmental Management Act, 1998 (Act No. 107 of 1998), as amended.

"NEMBA" means the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004).

"NEM: AQA" means the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004).

"NEM: WA" means the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008).

"Public Participation Process", means a process by which potential interested and affected parties are given an opportunity to comment on, or raise issues relevant to, an application.

"SEMA" means Specific Environmental Management Act.

2. INTRODUCTION

- 2.1 The National Appeals Regulations, 2014 has repealed the various appeal regulations currently in effect in terms of NEMA and the SEMAs, and provides for a single appeal process under section 43 of the National Environmental Management Act, 1998 against a decision taken by any person acting under a power delegated by the Minister or MEC.
- 2.2 Section 43 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("*NEMA*") designates the Minister of Environmental Affairs as the appeal authority for a decision made by a delegated official of the Department of Environmental Affairs (the Department) under NEMA or a specific environmental management Act.
- 2.3 The Directorate: Appeals and Legal Review is responsible for administering appeals and making recommendations on appeals to the Minister of Environmental Affairs.
- 2.4 In this respect, the purpose of this guide is to provide information and guidance for applicants, authorities and interested and affected parties ("I&APs") on appeals submitted to the Minister in terms of NEMA and the SEMAs.

3. APPEAL SUBMISSIONS

- 3.1 Chapter 2 of the 2014 Appeal Regulations prescribe that an appellant must submit the appeal to the appeal administrator and to any known interested and affected party within 20 days from the date that the decision for an application for an environmental authorisation in terms of NEMA or a waste management licence in terms of the Waste Act was sent to the registered interested and affected parties, or in the case of decisions where this does not apply, the date that the decision was sent to the applicant.
- 3.2 No appeal is available if the Minister or MEC took the decision himself or herself in his or her capacity as the competent authority, issuing authority or licensing authority. An appeal may, however, be lodged with the Minister or MEC responsible for Environmental Affairs against a delegated decision taken by the Department on an application.
- 3.3 An appeal submission must be submitted in writing in the form obtainable from the Minister or MEC, and must be accompanied by –

- a statement setting out the grounds of appeal;
- additional supporting documentation that is referred to (which did not form part of the original application);
- a statement that the applicant complied with the prescription in regulation 4(1) with relation to the submission period of 20 days, as set out above.

3.4 Appeals may be lodged with the Minister or MEC responsible for Environmental Affairs against a delegated decision taken by the Department on an application, which may include:

3.5 Any new information must be submitted when submitting the appeal.

4. NOTIFICATION OF A DECISION MADE BY THE DEPARTMENT

4.1 On having reached a decision on an application, the Department must, in writing and within 2 days, notify the applicant of the outcome of the decision, give reasons for the decision, and draw the attention of the applicant to the fact that an appeal may be lodged against the decision.

4.2 The applicant must, in writing, within 12 days after the date the decision was made by the Department:

- notify the registered I&APs of the outcome of the decision,
- provide the Department's reasons for the decision,
- draw the attention of all registered I&APs to the manner in which they can access a copy of the decision (note: it is recommended that a copy of the Department's decision be attached to the notice), and
- draw their attention to the fact that an appeal may be lodged against the decision, and the manner in which to lodge an appeal against the decision.

5. LODGING OF AN APPEAL

5.1 An appellant must submit the appeal submission (the Appeal Questionnaire and Appeal and Response Form) to the appeal administrator, the applicant, and known interested and affected parties within twenty (20) days from:

- the date that the decision for an application for an environmental authorisation or a waste management licence was sent to the registered interested and affected parties, or
- the date that the decision was sent to the applicant, in the case of decisions other than those referred to above.

5.2 An appeal submission must be submitted in writing in the form of the appeal questionnaire annexed to this guideline as "Annexure A" and accompanied by:

- a completed Appeal and Response Form setting out the grounds of the appeal,
- supporting documentation that is referred to in the appeal which did not form part of the documentation considered when the original decision was made, and
- a statement by the appellant to confirm compliance with regulation 4(1).

6. SUSPENSION OF AUTHORISATION

In terms of section 47 (7) of NEMA, an appeal will automatically suspend an environmental authorisation, directive, exemption or other decision taken in terms of NEMA, pending the outcome of the appeal.

7. HINTS ON DRAFTING OF APPEALS

- 7.1 The appeal questionnaire must be submitted together with the grounds of appeal. The grounds of appeal must also be captured in the Appeal and Response Form, annexed hereto as Annexure "B";
- 7.2 The appellant must provide their full contact details, i.e. postal address, telephone and cell numbers, fax number and email address;
- 7.3 If the appellant is representing a company or other body of persons, proof of mandate to lodge the appeal on behalf of the company or other entity must be provided;
- 7.4 The identity of the project which is the subject of the appeal, and the departmental reference number, if known, must be provided;
- 7.5 The issues to be considered by the Minister must be clearly identified;

- 7.6 The grounds of appeal and the facts upon which they rest must be clearly set out. The grounds of appeal must be formulated as averments and not as questions about the project (refrain from material or remarks which do not contribute towards the merits of the appeal);
- 7.7 Make a particular issue the subject of a separate ground of appeal, avoiding overlaps as far as possible. Issues should be grouped logically and in a chronological order to provide the Minister with clear timelines of the events or facts in dispute;
- 7.8 A recommended way of arranging issues is to divide the grounds of appeal into procedural grounds, (for example inadequate public participation) and substantive grounds (why the decision is seen as wrong);
- 7.9 Before submitting the appeal, it is recommended that appellants familiarise themselves with the mandate of the department to avoid raising matters falling outside the competence of the Minister on appeal; and
- 7.10 Sign and date the appeal submission.

8. RESPONDING STATEMENT

- 8.1 The responding statement must also be captured in the Appeal and Response Form, which will be provided by the appeal administrator and will have captured the summarised grounds of appeal. The Responding Statement will need to address each ground of appeal as reflected in the Appeal and Response Form.
- 8.2 No new information submitted in the responding statement will be considered by the appeal authority.

9. APPEAL PANEL

- 9.1 If the appeal authority is of the view that expert advice must be sought or that an appeal panel must be appointed, the appeal administrator must source the expert advice or constitute the appeal panel within 10 days from the date of receipt of such an instruction from the appeal authority. The expert or appeal panel must provide advice to the appeal administrator within 10 days from the receipt of the instruction from the appeal administrator.

9.2 A panel of experts must provide their recommendations on the appeal, to the appeal administrator within 10 days of their appointment.

10. DECISION ON APPEAL

Communication in terms of the Regulation 8 of the National Appeal Regulations provides that a document may be issued by the following methods –

- by delivering it by hand
- by faxing it to the person;
- by e-mailing it to a person;

11. TRANSITIONAL ARRANGEMENTS

11.1 Any application or appeal lodged prior to the commencement of the Regulations, and which is still pending when the Regulations takes effect, must be finalised in terms of the legislation that applied at the time when the application or appeal was lodged, and not according to the 2014 National Appeal Regulations.

11.2 Regulation 56(4) of the 2014 EIA Regulations echoes this provision by determining that an appeal lodged in terms of the 2010 EIA Regulations, and which is pending when the 2014 EIA Regulations take effect, must, despite the repeal of the 2010 EIA Regulations, be dispensed of as if those Regulations were not repealed.

12. REQUESTS FOR CONDONATION OR EXTENSION OF TIME PERIODS

12.1 In terms of section 47C of NEMA, the Minister or the MEC has the legal authority to grant an extension or condonation for the submission of an appeal or responding statement which is out of time.

12.2 Applications in terms of Section 47C of NEMA must be in writing, and must afford the other party/parties will be provided with an opportunity to comment on the request;

12.3 When deciding on requests for condonation or extension of time periods, the Minister will consider the following:

- whether good cause is shown to extend a time period,
- the extent of the period requested, or the degree of lateness,
- the factual basis of the motivation for the request and the explanation thereof,
- whether factors outside of the control of the requesting party have played a role,
- potential prejudice in granting or refusing the request to any of the parties.
- whether it is in the interest of justice to grant or refuse the request, and
- prospects of success on the merits.

12.4 The adjudication of a request for condonation or extension of time periods will, as far as practically possible, be communicated together with the appeal decision.

ANNEXURE A

APPEAL QUESTIONNAIRE

An electronic copy of this questionnaire may be obtained from:

Mr Z Hassam at telephone: 012 399 9356 or e-mail:

AppealsDirectorate@environment.gov.za

Once completed, this document must be forwarded to:

E-mail: AppealsDirectorate@environment.gov.za

Physical Address: Department of Environmental Affairs, 473 Steve Biko Road,
Environment House, Arcadia, Pretoria, 0002

Appellant's contact information:

Name: _____

Address: _____

Phone: _____

Cell: _____

Email: _____

Project information:

Project name: _____

Authorisation register number as on environmental authorisation:

Authorisation date as on environmental authorisation:

IMPORTANT! Please note:

- *The decision of the department is reflected in the letter of authorisation or rejection. The conditions of approval are contained in the environmental authorisation document, attached to the authorisation letter.*
- *The appeal must be accompanied by all relevant supporting documents or copies of these that are certified as true by a commissioner of oaths.*
- *The grounds of your appeal and the facts upon which they rest must be set out. You should formulate your objections or concerns as averments and not as questions about the project. Please therefore refrain from material or remarks that do not contribute to the merits of your appeal.*
- *To assist in this regard, the following questions are listed as a guideline only – more space may be used if necessary:*

1. Are you lodging this appeal as an individual or on behalf of a community/organisation?

Individual	Community/ organisation
------------	----------------------------

If on behalf of a community or organisation, please provide proof of mandate to do so.

2. Is your appeal based on factors associated with the process that was followed by the applicant in obtaining authorisation?

Yes	No
-----	----

Please provide reasons:

3. Is your appeal based on factors associated with environmental impacts not taken into account by the department in refusing or authorising the application?

Yes	No
-----	----

Please provide reasons:

4. Would you agree to the activity proceeding if your concerns can be addressed by rectifying the process or mitigating or eliminating the impacts of the activity?

Yes	No
-----	----

Please provide reasons:

5. Are you fundamentally opposed to any development activity on the site?

Yes	No
-----	----

Please provide reasons:

6. Do you have an objection in principle against the development?

Yes	No
-----	----

Please provide reasons:

7. Does your appeal contain any new information that was not submitted to the environmental consultant or department prior to the department's consideration of the application?

Yes	No
-----	----

If the answer above is yes, please explain why it should be considered by the Minister and why it was not made available to the environmental consultant or department during the application process.

8. **DECLARATION:**

I declare that the contents of this submission are to the best of my knowledge the truth and I regard this declaration as binding on my conscience.

APPELLANT

DATE:

ANNEXURE B



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Private Bag X447, Pretoria, 0001, Environment House, 473 Steve Biko Road, Pretoria, 0002

Email: Appealsdirector@environment.gov.za

APPEAL RESPONSE REPORT

PROJECT NAME/TITLE:

PROJECT LOCATION:

PROJECT REFERENCE NUMBER:

DATE PROJECT/ACTIVITY AUTHORISED:

DETAILS OF THE APPELLANT	DETAILS OF THE APPLICANT
Name of appellant:	Name of applicant:
Appellant's representative (if applicable):	Applicant's representative (if applicable):
Postal address:	Postal Address:
Email Address:	Email Address:
Telephone number:	Telephone number:
Fax Number:	Fax number:

GROUNDS OF APPEAL	RESPONDING STATEMENT	COMMENT BY THE DEPARTMENT / DMR
1.		
2.		
3.		
4.		
5.		