



Proj. Ref: 40813

Contact Person: Hanlie Stander

Date: 11 April 2022

DEAR REGISTRERED INTERESTED AND / OR AFFECTED PARTY

NOTIFICATION ON THE ADMINISTRATIVE FINE AS WELL AS THE APPEAL AGAINST THE ADMINISTRATIVE FINE IN TERMS OF SECTION 24G OF THE NEMA ACT (ACT 107 OF 1998) REGARDING THE DIESEL DEPOT ON PORTION 1 OF PLOT 42, ESTOIRE, BLOEMFONTEIN

With reference to the above, the following:

1. Notification of the Administrative Fine issued by DESTEA

- 1.1. You are hereby notified that DESTEA issued an Administrative Fine Letter to Mack's Petroleum (PTY) LTD regarding the unlawful construction of an additional diesel tank on Portion 1 of Plot 42, Estoire.
- 1.2. The letter is dated 28th of March 2022. MDA received a copy thereof on the 29th of March 2022.
- 1.3. The amount of the Administrative Fine is R625 000.
- 1.4. The reasons for the decision by DESTEA are attached as Annexure A of the said letter (attached as Appendix C of the Appeal Application).
- 1.5. Should you wish to appeal against the decision, submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014, to the Appeal Administrator, and a copy of the appeal to the Applicant, any registered IAPs, any organ of state with interest in the matter and the decision maker within 20 (twenty) calendar days from the date that the notification of the decision was sent to the registered IAPs by the applicant.
- 1.6. An Appeal Application form must be submitted by one of the following:

Post	Facsimile	Hand	E-mail
Free State Provincial government: DESTEA Private Bag X 20801 9300	051 400 4810	Attention: Ms P Modise Room 1 3 rd Floor 113 Building St Andrews Street Bloemfontein 9300	Modisep@destea.gov.za

1.7. A prescribed Appeal Application form as well as assistance regarding the Appeal Processes is obtainable from the Office of the MEC at 051 400 4810 / modisep@destea.gov.za

2. Notification on the Appeal to be submitted to DESTEA

2.1. You are hereby notified that Mack's Petroleum (PTY) LTD appeals the decision by DESTEA that the said party should pay an administrative fine of R625 000 regarding the construction activities that commenced on Portion 1 of Plot 42, Estoire, Bloemfontein. The following reasons are provided:

- The activities undertaken on site that required an environmental authorization, was the construction of one additional tank.
- As part of the process, vegetation clearance of 14m x 8m was undertaken. Note that the vegetation in the area is degraded and cannot be described as a natural occurring vegetation type.
- In addition, a concrete slab of 13m x 7m (including bund walls, with 110% of the tank's capacity) was constructed, and a prefabricated tank was erected on the concrete slab. The tank was not connected to any network and therefore the tank is not operational to date.
- Best practices were implemented during the construction of the concrete slab and erection on the tank.
- No watercourses were impacted upon due to the construction activities as described above.
- Thus, the environmental impacts associated with the said activities is minimal and therefore a reduction in the fine is sincerely requested. It is suggested that a fine of R20 000 is more suitable, when the above-mentioned Environmental Aspects are taken into consideration.

2.2. A copy of the Appeal is attached hereto.

2.3. Any responding statements should be submitted to the Appeal Authority and the Appellant within 20 (twenty) calendar days from the date of receipt of the Appeal Submission, by means of one of the following:

Post	Facsimile	Hand	E-mail
Free State Provincial government: DESTEA Private Bag X 20801 9300	051 400 4810	Attention: Ms P Modise Room 1 3 rd Floor 113 Building St Andrews Street Bloemfontein 9300	Modisep@destea.gov.za

Trust that you will find the above in order.

Please do not hesitate to contact Hanlie Stander at MDA (hanlie@mdagroup.co.za) should you require additional information on the said project.

Kind regards,

MDA



NEIL DEVENISH Pr. Pln A/1133/1999

Manager: Town Planning/Environmental

Organization	Contact person and contact detail
DESTEA	DESTEA Private Bag X20801 Bloemfontein 9300 mkhosana@destea.gov.za modisep@destea.gov.za
Mangaung Metro Municipality: City Manager	The City Manager P.O. Box 3704 Bloemfontein 9300 Prem.Sooknanan@mangaung.co.za
Mangaung Metro Municipality: Environmental Division	Me. Mpolokeng Kolobe P.O. Box 3704 Bloemfontein 9300 Mpolokeng.Ramongalo@mangaung.co.za
Mangaung Metro Municipality: Planning Division	Collin Dihemo P.O. Box 3704 Bloemfontein 9300 collin.dihemo@mangaung.co.za
FSHRA	Ntando PZ Mbatha FSHRA Office 204 Bloemfontein 9301 mbatha.npz@sacr.fs.gov.za
Department of Police, Roads and Transport	Mr Hannes Maree Department of Police, Roads and Transport P.O. Box 119 Bloemfontein 9300 MareeH@freetrans.gov.za fabiavanheerden@gmail.com
Department of Water and Sanitation	Mr. W Grobler Private Bag X528 Bloemfontein 9300 GroblerW@dws.gov.za RamuhovhiD@dws.gov.za
CAA	Lizell Stroh Strohl@caa.co.za
The Municipal Ward Councillor: Ward 47	Ward Councillor, Ward 47 mokgadikganakga99@gmail.com 083 886 9494
Bram Fischer Airport	moses.seroto@airports.co.za

2014 EIA REGULATIONS APPEAL QUESTIONNAIRE

Diesel depot with ancillary amenities on Portion 1 of Plot 42, Estoire, Bloemfontein, Free State

Applicant: Mack's Petroleum (PTY) LTD
MDA Ref No: 40813
Date: April 2022



Town & Regional Planners,
Environmental & Development
Consultants

Physical Address: 9 Barnes Street,
Westdene, Bloemfontein, 9301
Postal Address: P.O. Box 100982,
Brandhof, 9324
Tel: 051 4471583, Fax: 051 448 9839
E-mail: admin@mdagroup.co.za



2014 EIA REGULATIONS - APPEAL QUESTIONNAIRE

Appellant's contact information:

Name: George Myers on behalf of Mack's Petroleum (PTY) LTD
Address: P.O. Box 338
Vryburg
8600
Phone: 0845419316
Cell: 0828811310
Email: airport@mweb.co.za

Project Information

Project name: Diesel depot with ancillary amenities on Portion 1 Of Plot 42,
Estoire, Bloemfontein, Free State

Authorisation register number as on environmental authorisation

Administrative Fine – Letter Reference S24G/51,67,4/21/09

Authorisation date as on environmental authorisation

Administrative Fine – Letter Date: 28 March 2022, received by MDA on 30 March 2022

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.*

Directorate: Environmental Management

Private Bag X 20801
Bloemfontein
9300

Tel +27 (0)51 400 4817
e-mail: mkhosana@detea.fs.gov.za

- 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
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If on behalf of a community or organisation, please provide proof of mandate to do so. The appellant is the applicant, Mack's Petroleum. Mr Myers may lodge an appeal on behalf of the applicant. See proof thereof attached as Appendix B.

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

Yes	No
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Please provide reasons:

A Section 24G Application Process was followed, as the construction of an additional tank was undertaken on a section without the necessary environmental authorisation. The correct process was followed by the applicant.

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
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Please provide reasons:

All relevant environmental impacts were considered during the compilation of the Section 24G Application Process.

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
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Please provide reasons:

Mack's Petroleum (i.e., The Applicant) oppose the administrative fine of R625 000, as stated by DESTEA. See Appendix A for information on the grounds of the appeal.

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

Yes No

Please provide reasons:

MACK'S PETROLEUM (I.E. THE APPLICANT) OPPOSE THE ADMINISTRATIVE FINE OF R625 000, AS STATED BY DESTEA. SEE APPENDIX A FOR INFORMATION ON THE GROUNDS OF THE APPEAL.

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

Yes No

Please provide reasons:

Mack's Petroleum (i.e., the Appellant as well as the applicant) approves the proposed development. An application for environmental authorisation (full EIA process) was submitted to DESTEA for the construction of a diesel depot. Initially, a 79 000ℓ tank was available on site (under threshold). However, an additional tank (80 000+ℓ) was erected adjacent to the existing tank. Please note that the additional tank is not coupled to any pipes and are therefore not operational. DESTEA suggested that the application (EIA process) should be withdrawn and that a Section 24G Application Process should be followed. A Section 24G Application was followed. A fine letter was issued to the Applicant, stating that a fine of R625 000 should be paid to DESTEA. We are hereby respectfully requesting DESTEA to reconsider the amount of the fee payable, due to the following reasons:

- The activities undertaken on site that required an environmental authorisation, was the construction of one additional tank.
- As part of the process, vegetation clearance of 14m x 8m was undertaken. Note that the vegetation in the area is degraded and cannot be described as a natural occurring vegetation type.
- In addition, a concrete slab of 13m x 7m (including bund walls, with 110% of the tank's capacity) was constructed, and a prefabricated tank was erected on the concrete slab. The tank was not connected to any network and therefore the tank is not operational to date.
- Best practices were implemented during the construction of the concrete slab and erection on the tank.
- No watercourses were impacted upon due to the construction activities as described above.

Thus, the environmental impacts associated with the said activities is minimal and therefore a reduction in the fine is sincerely requested. By taking the abovementioned into consideration, a fine amount of R20 000 is suggested.

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.

All relevant information was provided in the Section 24G Application documentation.

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.



A handwritten signature in black ink, consisting of stylized initials, is written over a horizontal line.

APPELLANT

Appendix A

Appeal Against the Administrative Fine as
Determined by DESTEA

Ms P Modise

Free State Provincial Government: Department of Economic, Small Business
Development, Tourism and Environmental Affairs
Private Bag X20801
Bloemfontein
9300

Attention: Ms P Modise

**APPEAL AGAINST THE ADMINISTRATIVE FINE IN TERMS OF SECTION 24G OF THE NEMA
ACT (ACT 107 OF 1998) REGARDING THE DIESEL DEPOT ON PORTION 1 OF PLOT 42,
ESTOIRE, BLOEMFONTEIN**

Mack's Petroleum (PTY) LTD hereby appeals on the decision by DESTEA that the said party should pay an administrative fine of R625 000 regarding the construction activities that commenced on Portion 1 of Plot 42, Estoire, Bloemfontein. The following reasons are provided:

- The activities undertaken on site that required an environmental authorisation, was the construction of one additional tank.
- As part of the process, vegetation clearance of 14m x 8m was undertaken. Note that the vegetation in the area is degraded and cannot be described as a natural occurring vegetation type.
- In addition, a concrete slab of 13m x 7m (including bund walls, with 110% of the tank's capacity) was constructed, and a prefabricated tank was erected on the concrete slab. The tank was not connected to any network and therefore the tank is not operational to date.
- Best practices were implemented during the construction of the concrete slab and erection on the tank.
- No watercourses were impacted upon due to the construction activities as described above.

Thus, the environmental impacts associated with the said activities is minimal and therefore a reduction in the fine is sincerely requested. We, as the Appellant, believe that a fine of R20 000 is more suitable, when the above mentioned Environmental Aspects are taken into consideration.

Trust that the above will receive your favourable consideration.

Please do not hesitate to contact Hanlie Stander at MDA (hanlie@mdagroup.co.za) should you require additional information on the said project.

Kind regards,



G. Myers

Appendix B

Proof of Mandate

Ms P Modise

Free State Provincial Government: Department of Economic, Small Business
Development, Tourism and Environmental Affairs
Private Bag X20801
Bloemfontein
9300

Attention: Ms P Modise

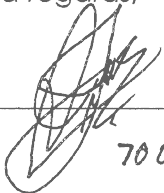
APPEAL AGAINST THE ADMINISTRATIVE FINE IN TERMS OF SECTION 24G OF THE NEMA ACT (ACT 107 OF 1998) FOR THE DIESEL DEPOT ON PORTION 1 OF PLOT 42, ESTOIRE, BLOEMFONTEIN

It is hereby confirmed that WILLIAM GEORGE MYERS, ID: 5604175003080 in his / her
capacity as REPRESENTATIVE is given permission By Mack's Petroleum (PTY)
LTD to sign any document associated with the appeal against the administrative fine in
terms of Section 24G of the NEMA Act (Act 107 of 1998) for the diesel depot on Portion 1
of Plot 42, Estoire, Bloemfontein.

Trust that you will find the above in order.

Please do not hesitate to contact us should you require additional information on the
above.

Kind regards,



7008285019086

Appendix C

Administrative Fine Letter



Enquiries: Mr. S Seekoei

Tel: (051) 400-9519

e-mail: seekoeis@destea.gov.za

Reference: S24G/51,67,4/21/09

Mr George Myers
Mack;S Petroleum (PTY) LTD
P.O Box 338
Vryburg
2021
Tel: (053) 927 2215/6
Cell: 082 881 1310
E-mail: airport@mweb.co.za

Attention: Mr George Myers

Dear, sir

ADMINISTRATIVE FINE IN TERMS OF SECTION 24G OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) ("NEMA"): UNLAWFUL EXPANSION OF A FACILITY FOR THE STORAGE OF DANGEROUS GOODS ON, PORTION 1 OF PLOT 42, ESTOIRE, BLOEMFONTEIN, MANGAUNG METROPOLITAN MUNICIPALITY.

Your application in terms of section 24G of the NEMA ("the section 24G application")

1. In order for the Department to process your application, you are required to pay an administrative fine of R625, 000 (Six hundred and Twenty Five thousand Rand).
2. The above administrative fine is determined by the type of activity or activities undertaken and the impact or impacts it has on the environment.

CHIEF DIRECTORATE: ENVIRONMENTAL QUALITY & PROTECTION
Private Bag X 20801 113 St Andrews Street Tel: (051) 400 4917
Bloemfontein Bloemfontein Fax: (051) 400 4842
9300 9301 E-mail: nkoen@destea.gov.za

3. Please note that the continued operation, conduct or undertaking of the activity or activities will remain unlawful and should an environmental authorisation be issued at the conclusion of the section 24G application process, it shall only take effect from the date on which it has been issued.

4. Please note that in terms of section 24G(4) of the NEMA you must pay the administrative fine before the competent authority may consider your report and thereafter issue or refuse an environmental authorisation.

Notification of the administrative fine decision

5. The applicant must in writing, within 14 days of the date of the administrative fine decision ("the decision")–

5.1. notify all registered interested and affected parties ("I&APs") of –

5.1.1. the amount of the administrative fine;

5.1.2. the reasons for the decision as detailed in Annexure A; and

5.1.3. the date of the decision;

5.2. draw the attention of all registered I&APs to the manner in which they may access the decision; and

5.3. provide the details of all registered I&APs (postal and/ physical address, contact number, facsimile and e-mail address) to all registered I&APs and the original decision-maker in the event that an appeal has been lodged in terms of the National Appeal Regulations, 2014.

6. Should the applicant intend to appeal the administrative fine, an appeal must be submitted to the appeal administrator in accordance with regulation 4 of the National Appeal Regulations, 2014 within 20 (twenty) days from the date that the notification of the decision was sent to the applicant by the competent authority.

7. Should an interested and affected party intend to appeal the administrative fine, an appeal must be submitted to the appeal administrator within 20 (twenty) days from the date that the notification of the decision was sent to the registered interested and affected parties by the applicant.

Method of payment of the administrative fine

8. Please be advised that payment of the above administrative fine may be made by cash, cheque or electronic transfer in the following manner:

Cash Payment:

The fine amount may be paid at the cashier's office of this Department, ground floor, 113 Building, St Andrews Street, Bloemfontein on Monday to Friday between 08h30 and 12h30.

The following allocations must be given to the cashier when making the payment:

Reference No: S24G/51,67,4/21/09

Item: Section 24G administrative fine

Company/ Individual Name

ID No.

Cheque Payment:

The cheque must be crossed and made payable to the Department of Economic, Small Business Development and Environmental Affairs and may either be deposited at the aforementioned cash office under the allocations mentioned above or deposited directly in the Department's bank account (see bank details below).

Branch: Brandwag

Branch code: 055534

Ref No: S24G/51,67,4/21/09

Electronic Transfer

An electronic transfer may be made to the following bank account:

Name of Bank: STANDARD BANK

CHIEF DIRECTORATE: ENVIRONMENTAL QUALITY & PROTECTION
Private Bag X 20801 113 St Andrews Street Tel: (051) 400 4917
Bloemfontein Bloemfontein Fax: (051) 400 4842
9300 9301 E-mail:nkoen@destea.gov.za

Name of Account: Free State Provincial Government: Department of Economic, Small Business Development, Tourism and Environmental Affairs

Account Type: Current Account

Account Number: 240322746

Branch Name: BRANDWAG

Branch Code: 055534

Reference No: S24G/51,67,4/21/09

9. Kindly forward a copy of the proof of payment to (e.g. receipt, deposit slip, electronic transfer confirmation) to the Department and quote the abovementioned reference number to ensure that the Department may acknowledge payment of the administrative fine.

9.1. You are therefore requested to fax proof of payment to:

Mr. T. S. Tlhakanelo

Finance: Revenue

DESTEA

113 St Andrew Street

Bloemfontein

9300

Fax number: 051 400 9606 Email: tlhakanelot@destea.gov.za

10. This proof of payment must also be accompanied by proof that the abovementioned administrative fine was brought to the attention of registered I&APs as required in paragraph 6 above.

11. The fine must be paid within 60 (sixty) calendar days from the date of this letter. If no such payment is received within the stipulated timeframe and no appeal has been lodged with the appeal administrator, the Department may proceed with appropriate criminal investigative action which may result in criminal prosecution and/or the deferral of a decision to issue an environmental authorisation until such time that the criminal investigation is concluded and:

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9300 9301 E-mail: nkoen@destea.gov.za

- 11.1. National Prosecuting Authority has decided not to institute prosecution;
- 11.2. the applicant is acquitted or found not guilty after prosecution; or
- 11.3. the applicant is convicted by a court of law.

12. Please be advised that the notice of payment of the administrative fine is not an authorisation for the consequences of unlawful commencement of a listed activity/ies according to the NEMA.

13. Further consideration of your application will only continue upon receipt and acknowledgement of payment of the administrative fine.

Appeals

Appeals must comply with the provisions contained in the National Appeal Regulations, 2014 (Government Notice No. R. 993 in Government Gazette No. 38303 of 08 December 2014). Please note the provisions of Regulation 1(2) of the National Appeal Regulations, 2014 when calculating the period of days.

14. Should an appeal be lodged with the appeal administrator against the administrative fine, you are hereby advised of the following:

14.1. An appellant (if the applicant) must –

14.1.1. submit an appeal in accordance with regulation 4 of the National Appeal Regulations, 2014, to the appeal administrator and a copy of the appeal to the decision maker, any registered I&APs and any organ of state with interest in matter within 20 (twenty) calendar days from the date that the notification of the decision was sent to the applicant by the competent authority.

14.2. An appellant (if NOT the applicant) must –

14.2.1. submit an appeal in accordance with regulation 4 of the National Appeal Regulations, 2014, to the appeal administrator, and a copy of the appeal to the applicant, any registered I&APs, any organ of state with interest in the matter and the decision maker within 20 (twenty) calendar days from the date that the notification of

the decision was sent to the registered interested and affected parties by the applicant.

14.3. The applicant (if not the appellant), the decision-maker, I&APs and organs of state must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.

Private Bag X20801

Bloemfontein

9300

15. An appeal application form must be submitted by means of one of the following method

By post: Free State Provincial Government: Department of Economic, Small Business Development, Tourism and Environmental Affairs

Private Bag X 20801

Bloemfontein

9300

By facsimile: (051) 400 4810

By hand: Attention: Ms. P. Modise

Room 1

3rd Floor 113 Building, St Andrews Street, Bloemfontein, 9300

By e-mail: modisep@destea.gov.za

15.1. A prescribed appeal application form as well as assistance regarding the appeal processes is obtainable from the office of the MEC at: Tel. [\(051\) 400 4810](tel:(051)4004810) e-mail: modisep@destea.gov.za

If there is any uncertainty pertaining to the above please contact either of the following;

Ms. G. Mkhosana

Tel number: (051) 400 4812

Email: mkhosana@destea.gov.za

Ms. N.M. Nkoe *Pr.Sci.Nat.*

Chief Director: Environment & Protection

Tel No :(051) 400 4917

E-mail: nkoe@destea.gov.za


Dr. M. Nkweku

HOD: DESTEA

Date: 28/12/2022

ANNEXURE A: REASONS FOR THE DECISION

In determining the quantum of the administrative fine, the competent authority took, inter alia, the following into consideration:

- The section 24G application and Environmental Impact Assessment and Mitigation Measures as outlined in the section 24G Environmental Impact Assessment ("EIA") Report dated August 2021.
- Public participation conducted for the application by the Environmental Assessment Practitioner.

All relevant information presented to the competent authority was taken into account in the determination of the fine quantum. A summary of the issues which, according to the competent authority, were the most significant reasons for the decision is set out below.

1. PUBLIC PARTICIPATION

A public participation process as outlined in section 24G(1)(vii)(dd) of the NEMA, "a description of the public participation process followed during the course of compiling the report, including all comments received from interested and affected parties and an indication of how issues raised have been addressed."

The public participation process conducted by the EAP comprised of the following:

- One site notice was placed near development site.
- Publication of an advertisement in Volksblad dated 12th July 2019.
- Notification of Interested and Affected parties on 12th July 2019

1.1 Consultation with organs of state in terms of Section 24O of the NEMA

The following organs of state provided comment on the application:

- Department of Police, Roads and Transport
- Department of Water and Sanitation
- Mangaung Metropolitan Municipality
- South African heritage Resources

2. CALCULATION OF THE ADMINISTRATIVE FINE

Section 44(1) (aC) of the NEMA makes provision for the "Minister to make regulations relating to the procedure and criteria to be followed in the determination of an administrative fine in terms of section 24G."

Section 44(1)(B) goes on to stipulate that "Until such time that the regulations made under subsection (1) have come into effect, the existing standard operating procedure, adopted by the Minister for determining administrative fines in terms of section 24G, applies."

The regulations as referred to above have not come into effect but the current standard operating procedure was however adopted in June 2014. All applications submitted after that date are subject to the aforesaid standard operating procedure

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which stipulates that the maximum fine applicable is R5 million as per the NEMA amendments.

The Section 24G fine calculator is a guide that is not rigidly applied and is used to determine an appropriate fine (to the maximum of R5 million) based on applicable impacts resulting from the unlawful commencement activity/ies on the receiving environment. The determination of a fine is based on the assessment undertaken for the Section 24G application and the significance of impacts of the activity/ies on the environment. Each Section 24G administrative fine is determined on its own merit and is dependent on the information provided in the application. The section 24G fine is not a criminal sanction and the Section 24G process is distinct and not punitive in nature.

A report as outlined in Section 24G(1)(vii) of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") that contains, inter alia, an assessment of the consequences and impacts on the environment, including cumulative impacts, and the manner in which the geographical, physical, biological, social, economic and cultural aspects of the environment may be affected by the activity as well as a description of the mitigation measures that will be undertaken, has been submitted.

2.1 ASSESSMENT OF IMPACTS, BENEFITS AND MITIGATION MEASURES

The determination of the administrative fine is based on the administrative fine calculator which was developed by the National Department of Environmental Affairs. The fine calculator (which is a guide that is not applied rigidly) was based on the following indexes under section 9: Impact Summary of Activity of the Final Environmental Impact Assessment ("EIA") Report that were informed by the environmental assessment practitioner on the Section 24G EIA Report:

- Social Benefit Index (e.g. intended only for Municipalities (and other organs of state) in terms of their respective service delivery mandates);
- Socio-Economic Impact Index;

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- Biodiversity Impact Index;
- Sense of Place &/ or Heritage Impact Index; and
- Pollution Impact Index.

The administrative fine decision and the reasons for the decision were informed by the EIA Report submitted by the environmental assessment practitioner.