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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/85/2020

Attention: Fanie (Stephanus Johannes) Jansen van Vuuren
EHW Voerkraal CC
P.O Box 285
KOSTER
0348

Cell No.: 082 943 1746
Fax No.: 086 576 9023
E-mail: fanie@ehw.co.za

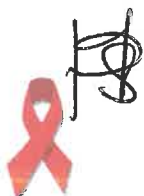
Dear Sir

ENVIRONMENTAL AUTHORISATION FOR THE DEVELOPMENT AND OPERATION OF A CATTLE FEEDLOT ON PORTION 46 AND REMAINDER OF PORTION 4 OF THE FARM NAAUWPOORT 437 JP, KOSTER, KGETLENG-RIVIER 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 and related operation of facilities or infrastructure for the concentration of animals in densities that exceed 20 square metres per large stock unit and more than 500 units per facility. [(Listed Activity 4(i));*
- 2. The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for the undertaking of a linear activity; or maintenance purposes undertaken in accordance with a maintenance management plan. [(Listed Activity 27)]; and*
- 3. Phased activities for all activities listed in this Notice, which commenced on or after the effective date of this Notice; similarly listed in any of the previous NEMA notices, which commenced on or after the effective date of such previous NEMA Notices where any phase of the activity was below a threshold but where a combination and of the phases, including expansions or extensions, will exceed a specified threshold. [(Listed Activity 67(i)).*



Together we move North West forward.

This Department has evaluated the **Basic Assessment Report** received on 25 May 2021 for the clearance of indigenous vegetation for the development and operation of a cattle feedlot on portion 46 and the remainder of portion 4 of the farm Naauwpoort 437 JQ, Koster, Kgetleng-Rivier 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: 10/08/2021

Cc: Water Use Licence Associates

Contact Person: Ms. Jana Liebenberg

Tel No.: (011) 616 7893

Fax No.: 086 724 3132

E-mail.: jana@sasenvgroup.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/85/2020

Holder of Environmental Authorisation: EHW Voerkraal CC

Location of activity: Portion 46 and remainder of Portion 4 of the farm Naauwpoort 437 JQ, Kgetleng-Rivier 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, the Director: Environmental Quality Management of the Department of Economic Development, Environment, Conservation and Tourism authorises:-

EHW Voerkraal CC

P.O. Box 285

KOSTER

0348

Cell No.: 082 943 1746

Fax No.: 086 576 9023

E-mail.: fanie@ehw.co.za

to undertake the following activity:

The clearance of indigenous vegetation to expand and operate a cattle feedlot, on an additional footprint of 16.3 hectares. The total carrying capacity of the feedlot will be 7000 units of cattle inclusive of the existing 300 units of cattle.

Infrastructure directly associate with the cattle feedlot will comprise of the following:

- 140 feedlot pens:
 - A single feedlot pen will have a footprint of 750m² in size to hold 50 cattle;
- The feedlot pens will be constructed on an impermeable barrier of concrete with a strength of 30 Megapascals (MPa) and be fenced with a steel barrier of approximately 1.5m height;
A watering sprinkler system will be installed and used for dust control and to keep cattle cool during hot weather; and



- A feedlot will be equipped with water and feed bowls. These bowls will be covered by galvanized roof sheeting to provide some protection against runoff during rain events.

The project will entail the following additional supporting infrastructure for administration and management purposes:

- A temporary structure with a footprint of 36m² will be installed and used as the temporary administration office;
- A feed production facility of approximately 1 200m² where feed for the cattle will be prepared;
- A weighbridge for the weighing of the cattle; and
- A handling facility with a footprint of 260m² where deworming and immunisation of the cattle will be undertaken. A mortuary room with a footprint of 36m² where post-mortems will be carried out on the deceased animals.

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

Site Location:

S1	Latitude (S)	Longitude (E)
Portion 46 and the remainder of portion 4 of the farm Naauwpoort 437 JQ	25° 44' 56.88"	26° 53' 30.45"

The development is located on portion 46 and remainder of portion 4 of the farm Naauwpoort 437 JQ, within the jurisdiction of Kgetleng-Rivier Local Municipality, North West Province, hereafter referred to as "the property".

3. Conditions

3.1 Scope of Environmental Authorisation

- 3.1.1 The preferred **activity location** for the clearance of vegetation for the development of 6 chicken broiler houses in S1 is 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 activities authorised may only be carried out at the property as described in Point 2 under site location.
- 3.1.5 This Environmental Authorisation does not negate the holder of the Environmental Authorisation's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.




3.1.6 Relevant legislation that must be complied with by the holder of this Environmental Authorisation includes, *inter alia*:

- a) All provisions of the Occupational Health and Safety Act, 1993 (Act No.85 of 1993)
- b) All provisions of the National Water Act, 1998 (Act No. 36 of 1998).
- c) All provisions of the National Environmental Management: Waste Act, 2008 (Act No.59 of 2008) as amended.
- d) All provisions of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004).
- e) All provisions of the Animal Diseases Act, 1992 (Act 35 of 1992).
- f) All provisions of the Conservation of Agricultural Resource Act, 1983 (Act No.43 of 1983)
- g) All provisions of the National Heritage Resource Act, 1999 (Act No. 25 of 1999).
- h) All provisions of the Animal Protection Act, 1962 (Act No. 71 of 1962).
- i) All provisions of the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013).
- j) The municipal by-laws must be adhered to where applicable.

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).

PS



- 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

Tel No.: (018) 389 5986
Cell No.: 083 385 9486
Fax No: (086) 581 7858
E-mail: CNieuwoudt@nwpq.gov.za

- 4.4 An 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 and operation activities.
- 5.3 The recommendations and mitigation measures outlined in the Basic Assessment Report compiled by Water Use Licence Associates received by the Department on 25 May 2021 must be adhered to.
- 5.4 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.
- 5.5 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.



5.6 Notwithstanding the preceding conditions, the holder shall adhere to, and ensure adherence by all contractors, sub-contractors and workers for this project, to all conditions listed herein, and all obligations, commitments, monitoring and proposed mitigation measures as outlined in the EMPr.

6. Monitoring

6.1 The holder of Environmental Authorisation has the responsibility to ensure that the mitigation/ rehabilitation measures and recommendations referred to in the Basic Assessment Report are implemented, and to ensure compliance with the provisions of the EMPr.

6.2 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.

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 the activities authorised

7.1 For authorised activity number 67(i) read with 4(i) of GNR R.327, this Environmental Authorisation is valid from the date of issue and has no conclusion date.

7.2 For authorised activities number 27 and of GNR R.327, this Environmental Authorisation is valid for period of 5 years from date of issue.

7.3 If the holder of the Environmental Authorisation anticipates that the conclusion of the authorised activities number 27 of GNR R.327 will 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 listed activities number 27 of GNR R.327 expire, the said authorisation 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/ Environmental Audit Report

8.1 **14 days** written notice must be given to the Departments' Environmental Compliance and Enforcement Section that the activity will commence at cnieuwoudt@nwpg.gov.za and lnonkomo@nwpg.gov.za.

8.2 **An Environmental Audit Report for the authorized activity must be compiled and submitted to this Departments' Environmental Compliance and Enforcement Section within 5 years of the issue of this Environmental Authorisation and subsequently every 5 years thereafter. Such an Environmental Audit Report must be compiled in compliance with Appendix 7 of the 2014 EIA Regulations as amended.**



- 8.3 Records relating to monitoring and auditing must be kept on site and made available for inspection to any relevant and competent authority in respect of this development.

9. Operation of the activity

- 9.1 General waste must be collected and disposed of at a licensed landfill site on a weekly basis. Recyclable waste must be recovered for recycling purpose. No temporary dumping of waste is allowed on site.
- 9.2 Vegetation clearance should be confined to the development footprint and set out to avoid substantial vegetation disturbance. All existing invasive alien plants should be eradicated in accordance with Alien and Invasive Species Regulations, 2014 in terms of Chapter 3 of the National Environmental Management: Biodiversity Act, 2004 (Act 10 of 2004).
- 9.3 All animals must be treated for parasites where necessary and inoculated shortly after arrival.
- 9.4 All equipment used for treatment must be clean and instruments sterilized before application
- 9.5 Sick animals should be pulled timeously from pens and moved for treatment and observation by relevantly trained workers or veterinary services.
- 9.6 No treatment, feeding regime or practice which is detrimental to animal health must be permitted.
- 9.7 No burning of waste is allowed on site.
- 9.8 Dust can cause and spread diseases and must be kept as low a level as possible.
- 9.9 Water troughs must be sited in relation to feedbunkers in a position in which they can easily be inspected and where the animals cannot easily foul the water with feed still in their mouths.
- 9.10 Fresh feed must be available at all times, depending on moisture content which, if high, would lead to less feed more regularly.
- 9.11 Feedbunkers and water troughs must be clean at all times to avoid nuisance.
- 9.12 The holder of Environmental Authorisation must ensure that water is used in a sustainable manner and that all reasonable measures are taken to conserve it.
- 9.13 The number of people employed for operational phase must be submitted to this Department one (1) month after **the commencement of the operational period of activity.**

10. Site Closure and Decommissioning of the activity

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



- 10.2 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.

11. Specific conditions

- 11.1 The holder of the Environmental Authorisation must adhere to the mitigation action and recommendations contained in the Basic Assessment Report compiled by Water Use Licence Associates on 25 May 2021.
- 11.2 The development must be restricted to the clearance of indigenous vegetation for the development and operation of cattle feedlot to accommodate 7000 cattles on portion 46 and remainder of portion 4 of the farm Naauwpoort 437 JQ, Kgetleng-Rivier Local Municipality, North West Province.
- 11.3 The activity may not commence without the necessary permits/licenses/ approvals and/or service agreements, where it is relevant, from or with the relevant, from or with the relevant regulatory authorities whether national, provincial or local.
- 11.4 The feedlot pens should be constructed according to specifications of pen area per size/mass class, ground surface and climatic conditions, which criteria determine the minimum pen space per animal, which may not be less than 9 square meters per bovine.
- 11.5 Vegetation clearance must be restricted to construction areas only to reduce the risk of soil erosion.
- 11.6 Stormwater drainage areas must be kept open and clear of silt, litter and other debris.
- 11.7 Archaeological remains, artificial features and structures older than **60 years** are protected. Should any archaeological artefacts be exposed during excavation for the purpose of construction, construction in the vicinity of the finding must be stopped immediately and the Provincial Heritage Resources Authority must be informed about the finding.
- 11.8 No surface or ground water must be polluted due to any activities on the property or site. The requirements of the National Water Act, 1998 (Act No. 36 of 1998) must be complied with at all times.
- 11.9 The holder of the Environmental Authorisation (**EHW Voerkraal CC**) 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.
- 11.10 The contractor must ensure that drip trays are always available to collect any fluid that may result from accidental spillage, overflow and/or servicing. All equipment that leak must be repaired immediately and/or removed from the site when necessary.


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12. 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: 10/08/2021



ANNEXURE 1: REASONS FOR ENVIRONMENTAL AUTHORISATION

1. Background

The holder of this Environmental Authorisation, **EHW Voerkraal CC** for Environmental Authorisation to carry out the following activity:

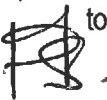
The clearance of indigenous vegetation for the development and operation of a cattle feedlot on portion 46 and the remainder of portion 4 of the farm Naauwpoort 437 JQ, Koster, Kgetleng-Rivier Local Municipality, North West Province

The holder of this Environmental Authorisation appointed **Water Use Licence Associates** to undertake Basic Assessment process as required by Regulation 12 of the EIA Regulations, 2014 as amended.

2. Information considered in making the decision

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

- a) The information contained in the Basic Assessment Report (BAR) compiled by Water Use Licence Associates received by the Department on 25 May 2021.
- b) All impact management actions and outcomes as contained in the BAR and the Environmental Management Programme included in the report received on 25 May 2021 are acceptable and practical for implementation.
- c) The recommendations included in the Freshwater Ecological Assessment compiled by Scientific Aquatic Services CC dated January 2021.
- d) The recommendations included in the Biodiversity Assessment compiled by Scientific Terrestrial Services CC dated February 2021.
- e) The recommendations included in the Paleontological Assessment compiled by Prof Marion Bamford dated 13 February 2021.
- f) The recommendations included in the Cultural Heritage Impact Assessment compiled by J A van Schalkwyk dated February 2021.
- g) The objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) as amended.
- h) The findings of a site visit undertaken by the Department officials Ms. Queen Imasiku and Mr. Thato Loeto together with Mr. N. Duvenhage from EHW Voerkraal CC (applicant) on 04 May 2021.



3. Key factors considered in making the decision

All information presented to the Department was taken into account in the Department's consideration of the application. A summary of the issues which, in the Department's view, were of the most significance is set out below:

- a) Details provided of qualifications of the EAP indicate that the EAP is competent to carry out the Basic Assessment Report process.
- b) The BAR received on 25 May 2021, included a description of the environment that may be affected by the activity and the manner in which the physical, biological, social, economic and cultural aspects of the environment may be affected by the proposed activity.
- c) A sufficient public participation process was undertaken and the holder of the Environmental Authorisation has satisfied the minimum requirements as prescribed in the EIA Regulations of 2014 as amended for public involvement. The development was advertised in "Noordwester" dated 22 January 2021 as part of the public participation process.
- d) The legal and procedural requirements have been complied with and the information contained in the document is to the satisfaction of this Department.

4. Findings

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

- a) The location of the feedlot will be on the land disturbed and previously transformed by historic agricultural activities, minimising impact on land that is pristine and in a natural condition.
- b) All issues raised during public participation process have been sufficiently addressed.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the Environmental Authorisation, the activity will not conflict with the general objectives of Integrated Environmental Management laid down in Section 23 (2) (a-f) of Chapter 5 of National Environmental Management Act, 1998 (Act No. 107 of 1998) as amended and that any potentially detrimental environmental impacts resulting from the activity can be mitigated to acceptable levels. **The application is accordingly granted.**

HS



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.

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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.

PS

