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**CHIEF DIRECTORATE: ENVIRONMENTAL SERVICES**  
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Reference: REC04/2017NW

Attention: **Ms. Catherine Robertson**  
**Association for Better Living and Education (ABLE)**  
5 Cynthia Street  
Kensington  
**JOHANNESBURG**  
2094

Cell No.: 083 617 8566  
Email: [ableaf@able.org](mailto:ableaf@able.org)

Dear Madam

**ENVIRONMENTAL AUTHORISATION FOR AN UNLAWFUL COMMENCEMENT OF THE ESTABLISHMENT OF A SUBSTANCE ABUSE REHABILITATION CENTRE ON PORTION 47 OF THE FARM WAGENPADSPRUIT 254 JQ, WITHIN RUSTENBURG LOCAL MUNICIPALITY, NORTH WEST PROVINCE**

Your application for Environmental Authorisation, in terms of Section 24(2)(a) of the National Environmental Management Act, 1998 as amended (Act No. 107 of 1998) in respect of –

Government Notice No. R 386 of 21 April 2006, 983 of 4 December 2014 and 327, 324 of 7 April 2017 of EIA Regulations

Government Notice	Activity number and description
GNR 386	The construction of facilities or infrastructure, including associated structures or infrastructure for (d) resorts, lodges, hotels or other tourism and hospitality facilities in a protected area contemplated in the National Environmental Management: Protected Areas Act (NEMPAA) 2003 (Act No. 57 of 2003). <b>Activity 1 (d)</b>
GNR 386	The construction of facilities or infrastructure, including associated structures or infrastructure for (k) the bulk transportation of sewage and water, in pipelines with (i) an internal diameter of 0.36 metres or more; or (ii) a peak throughput of 120 litres per second or more. <b>Activity 1(k)</b>
GNR 386	The construction of facilities or infrastructure, including associated structures or infrastructure for (m) any purpose in the one in ten year flood line of a river or stream, or within 32 metres from the bank of a river or stream where the flood line is unknown, excluding purposes associated with existing residential use, but including (i) canals; (ii) channels (iii) bridges (iv) dams and (v) weirs. <b>Activity 1(m)</b>
GNR 386	The transformation or removal of indigenous vegetation of 3 hectares or more or of any

	size where the transformation or removal would occur within a critically endangered ecosystem listed in terms of section 52 of the National Environmental Management: Biodiversity Act, 2004 (Act 10 of 2004). <b>Activity 12</b>
GNR 386	The abstraction of groundwater at a volume where any general authorisation is issued in terms of the National Water Act, 1998 (act no 36 of 1998) will be exceeded. <b>Activity 13</b>
GNR 983	The expansion or changes to existing facilities for any process or activity where such expansion or changes will result in the need for a permit or licence or an amended permit or license in terms of national or provincial legislation governing the release of emissions or pollution, excluding (i) where the facility, process or activity is included in the list of waste management activities published in terms of section 19 of the National Environmental Management; Waste Act 2008 applies; or (ii) the expansion of or the changes to the existing facilities for the treatment of effluent, wastewater or sewage where the capacity will be increased by less than 15000 cubic metres per day. <b>Activity 34</b>
GNR 327	The development and related operation of infrastructure exceeding 1000 metres in length for the bulk transportation of sewage, effluent, process water, wastewater, return water, industrial discharge or slimes (i) with an internal diameter of 0.36 metres or more ; or (ii) with a peak throughput of 120 litres per second or more; excluding where (a) such infrastructure is for bulk transportation of sewage , effluent, process water, wastewater, return water, industrial discharge, or slimes inside a road reserve; or (b) where such development will occur within an urban area. <b>Activity 10</b>
GNR 327	The clearance of an area of 1 hectare or more but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for (i) the undertaking of a linear activity; or (ii) maintenance purposes undertaken in accordance with a maintenance management plan. <b>Activity 27</b>
GNR 327	Any process or activity identified in terms of section 53(1) of the national Environmental Management: Biodiversity Act, 2004 (Act no. 10 of 2004). <b>Activity 30</b>
GNR 324	The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan. (h) North West (iv) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority. <b>Activity 12</b>
GNR 324	The transformation of land bigger than 1000 square metres in size, to residential, retail, commercial, industrial or institutional use, where such land was zoned open space, conservation or had an equivalent zoning, on or after 02 August 2010. <b>Activity 15</b>

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

This Department has evaluated the **Section 24G Report** received on 2 November 2017 and considered administrative fine paid on 21 February 2018 for the rectification of *unlawful establishment of a substance abuse rehabilitation centre on Portion 47 of Farm Wagenpadspruit 354 JQ in Rustenburg Local Municipality, North West Province*, to verify whether the continuation of 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 Rural, Environment and Agricultural Development, North West Province. Such an appeal must be lodged in terms of the National Appeal Regulations of 8 December 2014 as amended.

Yours Faithfully



**Ms. Portia Krisjan**  
**Director: Environmental Quality Management**  
**Department of Rural, Environment and Agricultural Development**

Date: 20/07/2018

**Cc: Hydro Science**  
Contact Person: Ms. Paulette Jacobs  
Tel No.: 082 667 5056  
Cell No.: 082 850 5482  
Fax No.: 086 692 8820



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*Handwritten initials/signature*



## 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;

**“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;

**“registered EAP”** means an Environmental Assessment Practitioner registered with an appointed registration authority contemplated in Section 24H of the Act.

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

**“the Department”** means the Department of Rural, Environment and Agricultural Development.

**“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, from 21 April 2006.



## B. Environmental Authorisation

**Authorisation register number:** REC04/2017 NW

**Holder of Environmental Authorisation:** Association for Better Living and Education (ABLE)

**Location of activity:** North West Province: Portion 47 of Farm Wagenpadspruit  
354 JQ, Rustenburg Local Municipality

### 1. Decision

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

### 2. Activities authorised

By virtue of the powers delegated by the MEC in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) as amended and the Environmental Impact Assessment Regulations of 04 December 2014 as amended, the Director: Environmental Quality Management of the Department of Rural, Environment and Agricultural Development authorises:-

#### **Association for Better Living and Education (ABLE)**

5 Cynthia Street  
Kensington  
**JOHANNESBURG**  
2094

Cell No: 083 617 8566

Email : [ableaf@able.org](mailto:ableaf@able.org)

to continue in the undertaking of the following activity:

*Completion of a substance abuse rehabilitation centre on a total footprint of 5.4 ha within the property size of 201.38Ha*

The existing structures to be authorized are as follows:

- Main Building (includes Reception), administration building, training and support building
- Recreation and multipurpose building
- Detox centre and withdrawal centre
- Storage rooms
- Offices, parking and shed
  
- Staff accommodation and client accommodation
- Lookout towers
- Water: boreholes; pump houses/station; storage

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



## Site Location:

Alternative S1	Latitude (S)	Longitude (E)
Portion 47 of Farm Wagenpadspruit 354 JQ	25° 53'15.37"	27°22' 28.57"

The development site is located on Portion 47 of Farm Wagenpadspruit 354 JQ, which is situated off the R24 road, 27km north of Rustenburg town within the jurisdiction of Rustenburg Local Municipality, North West Province, hereafter referred to as "the property".

### 3. Conditions

#### 3.1 Scope of Environmental Authorisation

- 3.1.1 The preferred alternative S1 is approved.
- 3.1.2 Authorisation of the activity is subject to the conditions contained in this Environmental Authorisation, which form part of the Environmental Authorisation and are binding on the holder of the Environmental Authorisation.
- 3.1.3 The holder of the Environmental Authorisation must be responsible for ensuring compliance with the conditions contained in this Environmental Authorisation. This includes any person acting on the holder's behalf, including but not limited to, an agent, servant, contractor, sub-contractor, employee, consultant or person rendering a service to the holder of the Environmental Authorisation.
- 3.1.4 The activities authorised may only be carried out at the property as described in Point 2 under site location.
- 3.1.5 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 affected.
- 3.1.6 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.
- 3.1.7 Relevant legislation that must be complied with by the holder of this Environmental Authorisation includes, *inter alia*:
- All provisions of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993)
  - All provisions of the National Water Act, 1998 (Act No. 36 of 1998)
  - All provisions of the National Environmental Management: Biodiversity Act, 2004 (Act 10 of 2004)
  - All provisions of Hazardous Substance Act, 1973 (Act No. 15 of 1973)
  - Provisions of National Health Act, 2003 (Act 61 of 2003)
  - The development must adhere to the municipal by-laws.



3.1.8 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 party that a copy of the Environmental Authorisation and reasons for the decision will be furnished on request.

4.2.3 Specify the date on which the Environmental Authorisation was issued.

4.2.4 Inform the registered interested and affected parties of the appeal procedure provided for in Chapter 2 of the National Appeal Regulations (see Annexure 2).

4.3 An appeal against the decision must be lodged in terms of Chapter 2 of the National Appeal Regulations with:

**The Appeal Administrator: Ms. Carene Nieuwoudt**  
**Department of Rural, Environment and Agricultural Development**  
Private Bag X 2039  
**MMABATHO**  
2735

Or hand delivered to:

Ms. Carene Nieuwoudt  
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: [cwessels@nwpg.gov.za](mailto:cwessels@nwpg.gov.za)

4.4 Such Appeal must be lodged in writing by completing Appeal form obtainable from the Appeal Administrator.





## 5. Management of the activity

- 5.1 The Environmental Management Programme (EMPr) for the project submitted as part of application for Environmental Authorisation is **hereby approved**.
- 5.2 The recommendations and mitigation measures outlined in the Section 24G Report compiled by Hydro Science, received by the Department on 2 November 2017 must be adhered to.
- 5.3 Any proposed amendments to the EMPr (as a result of this Environmental Authorisation or otherwise) must be submitted in writing to Director: Environmental Quality Management for approval prior to the amendment being implemented. The proposed amendments will be decided upon by the Department within a period of **30 days** of receiving the submission.
- 5.4 The provisions of the EMPr are an extension of the conditions of the Environmental Authorisation and therefore non-compliance with the EMPr would constitute non-compliance with the Environmental Authorisation.

## 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 Section 24G 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 this **Department's Control Environmental Officer Grade B: 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. Recording and reporting to the Department

- 7.1 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.
- 7.2 All incidents of major hazardous substances spill must be reported to Control Environmental Officer grade B: Environmental Compliance and Enforcement section and action taken to remedy the situation must be outlined.

## 8. Notification to authority

- 8.1 **14 days** written notice must be given to the Control Environmental Officer Grade B: Environmental Compliance and Enforcement Section that the activity will continue in compliance with the issued Environmental Authorisation.
- 8.2 **An appeal made against Environmental Authorisation result in it being suspended, therefore the activity must not continue pending the decision by the MEC, as the Appeal Authority.**



## 9. Operation of the activity

- 9.1 If any subterranean archaeological or historical sites are discovered a qualified archaeologist must be called to investigate and obtain clearance for continuation from the Provincial Heritage Resource Agency.
- 9.2 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.
- 9.3 Boreholes BH1 to BH5, BH10 and BH18 and the surface sample at the bridge must be used as monitoring boreholes as per the recommendations and methods contained in the Geohydrological and Contamination Risk Assessment Study compiled by GEO-LOGIC Hydrological Consultants and dated July 2015.
- 9.4 Groundwater must be abstracted from borehole BH10 at rates recommended in the Geohydrological and Contamination Risk Assessment Study compiled by GEO-LOGIC Hydrological Consultants dated July 2015.
- 9.5 Department of Health, Social Development and Medical Association must be consulted for the operation and day to day running of the facility and comply with relevant legislations

## 10. Site Closure and Decommissioning of the activity

- 10.1 Should the activity ever cease or become redundant, the applicant must undertake the required actions as prescribed by legislation at the time and comply with all relevant legal requirements administered by any relevant and competent authority at that time.
- 10.2 Should the authorised activity be abandoned or decommissioned, a closure management plan must be compiled and submitted to this Department for approval and the Department must be notified **30 days** prior to decommissioning.

## 11. Specific conditions

- 11.1 This Authorisation is strictly for the existing structures no further expansion must be developed within the parameters of this Environmental Authorisation. This Department must be consulted for any other expansion intentions.
- 11.2 The applicant must adhere to the mitigation measures and recommendations contained in the Section 24G Report compiled by Hydro Science received on 2 November 2017.
- 11.3 No poaching, hunting, trapping and capturing of animals must be allowed on the property.
- 11.4 The game farming stated 7.2.2 of the S24G report must be done in consultation with Biodiversity Management and Conservation unit of this Department.
- 11.5 The riparian corridor along the Wagenpadspruit must not be further disturbed by any development activities.
- 11.6 Erosion control measures such as berms and sand bag must be placed at locations already showing signs of soil erosion to minimize the erosion going forward.



- 11.7 The land owner must implement a continuous alien and invasive species control programme and disturbed area must be through ripping and re-vegetation using indigenous plant species.
- 11.8 No development should occur within the 1:100 year flood line.
- 11.9 Effluent from the package sewage treatment plant must be sampled weekly and the quality must comply with standards authorised by Department of Water and Sanitation, Water Use Registration Record 26072375.
- 11.10 The existing direct access to the site from the R24 must be closed and new access road must be constructed from the existing service road along the western boundary of the property.
- 11.11 The holder of the Environmental Authorisation (Association for Better Living and Education {ABLE}) 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.
- 11.12 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.

## 12. General

- 12.1 A copy of this Environmental Authorisation must be kept at the property where the activity will be undertaken. The Environmental Authorisation must be produced to any authorised official of the Department 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.
- 12.2 Where any of the applicant's contact details change, including the name of the responsible person, the physical or postal address and/or telephonic details, the applicant must apply to the Department as soon as the new details become known to the applicant.
- 12.3 It is the responsibility of the applicant to ensure that necessary permits/licenses/approvals and/or service agreements, where it is relevant, from or with the relevant regulatory authorities whether national, provincial or local before continuation of the activity.
- 12.4 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.

### Environmental Authorisation Approved By:



**Ms. Portia Krisjan**

**Director: Environmental Quality Management**

**Department of Rural, Environment and Agricultural Development**

**Date:** 20/07/2018

Ref No.: REC04/2017NW  
Portion 47 of Farm Wagenpadspuit 354 JQ in Rustenburg LM

Department of Rural, Environment  
and Agricultural Development

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## ANNEXURE 1: REASONS FOR ENVIRONMENTAL AUTHORISATION

### 1. Background

The Applicant, **Association for Better Living and Education (ABLE)** applied for Environmental Authorisation to carry out the following activity:

*Establishment of a substance abuse rehabilitation centre and associated infrastructure on Portion 47 of Farm Wagenpadspruit 354 JQ, Rustenburg Local Municipality, North West Province*

The applicant appointed **Hydro Science** to undertake Section 24G Environmental Impact Assessment process in terms of Section 24G (1) (b)(vii) (aa)- (ee) of the National Environmental Management Act, 1998 (Act No. 107 of 1998) 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 Section 24G Report received on 2<sup>nd</sup> November 2017 compiled by **Hydro Science**.
- b) The administration fine has been paid to the Department in terms of Section 24G(4) on 21 February 2018.
- c) The project location is on the transitional zone of Magaliesberg Biosphere Reserve.
- d) The comment and response report register in the Section 24G report.
- e) The comments received from the Department of Health's assessment report dated 25 November 2015,
- f) Bojanala Platinum District Municipality – Health Service approvals dated 07 April 2015
- g) The General Authorisation in terms of Section 22(1)(a)(ii) of the National Water Act, obtained from the Department of Water and Sanitation dated 25 May 2017.
- h) Civil Engineering services report compiled by Klunene Consulting Civil Engineers dated July 2017.
- i) The conclusions in the Agricultural Potential Report conducted by Index (Pty) Ltd and dated 17 December 2015.
- j) Recommendations included in the Geohydrological and Contamination Risk Assessment Study compiled by GEO-LOGIC Hydrological Consultants and dated July 2015.
- k) The recommendations in the Cultural Heritage Impact Assessment Report compiled by Archætnos Culture & Cultural Resource Consultants and dated 21 December 2016.
- l) Recommendations in the Ecological Specialist Study compiled by African Litany and dated June 2017 that the centre is unlikely to have significant impact on the ecology of the area in the long term.



- m) The contents of the letter from South African National Roads Agency dated 18 September 2015.
- n) The findings of a site visit undertaken by the Department official Ms. Tshego Lekgari with Ms. Paulette Jacobs of Hydro Science (EAP) and Ms Catherine Robertson of ABLE (Applicant) and Ms. Kelebogile Mekgoe from the Rustenburg Local Municipality on 8 August 2017.
- o) 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.
- p) All mitigation measures and recommendations as contained in the Section 24G Report and the Environmental Management Programme included in the report received on 2<sup>nd</sup> November 2017 are acceptable and practical for implementation.

### 3. Key factors considered in making the decision

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

- a) Details provided of the qualifications of the EAP indicate that the EAP is competent to carry out the Environmental Impact Assessment (EIA) procedures.
- b) The Section 24G Report received on 2 November 2017, included a description of the environment that may be affected by the activity and the manner in which the physical, biological, social, economic and cultural aspects of the environment may be affected by the proposed activity.
- c) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations of 2014 as amended for public involvement. The development was advertised in "*Rustenburg Herald*" dated 16 June 2017 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 application for a substance abuse rehabilitation centre has received a Health Certificate Approval from the Bojanala District Municipality and has been endorsed by the Department of Health; Health Care Services in the North West province.
- b) The Department of Water and Sanitation has issued a General Authorisation to the applicant for the rehabilitation centre to abstract water as well as treating and disposing of water.
- c) The rehabilitation centre will service the areas of Rustenburg and its surrounding town.



- d) The procedure followed for impact assessment is adequate for the decision-making process.
- e) The public participation process was carried out extensively and issues of concern were addressed as far as possible.

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



## ANNEXURE 2: ADMINISTRATION AND PROCESSING OF APPEALS

### ADMINISTRATION AND PROCESSING OF APPEALS IN TERMS OF CHAPTER 2 OF THE NATIONAL APPEAL REGULATIONS, 2014 AS AMENDED 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 sub-regulation (1) may consist of such number of independent experts and with such expertise as the Appeal Authority may deem necessary under the circumstances;
- (3) The expert or appeal panel must provide advice to the appeal administrator within 10 days from the receipt of an instruction from the appeal administrator.



## Recommendations and decisions on appeals

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

## Communication

8. (1) A person may deliver documents in terms of these regulations by using one of the delivery methods referred to in section 47D of the Act, which are:
  - (i) by faxing a copy of the notice or other document to the person, if the person has a fax number;
  - (ii) by e-mailing a copy of the notice or other document to the person if the person has an e-mail address; or
  - (iii) by posting a copy of the notice or other document to the person by ordinary mail, if the person has a postal address;
- (2) In order to meet the time periods determined in these regulations, the person referred to in sub-regulation (1) must also email, fax or hand deliver the document to the recipient, if the document is delivered by ordinary mail or registered mail.

