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



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**REF: NWP/EIA/70/2022**

**Attention: Mr. Carsten H. Laugesen**  
**EBF Gas (Pty) Ltd**  
11 St. Pauls Road  
**HOUGHTON**  
2198

Cell: 082 550 8553  
Email: [Carsten@hlaugesen.com](mailto:Carsten@hlaugesen.com)

Dear Sir

**ENVIRONMENTAL AUTHORISATION FOR THE DEVELOPMENT OF THE MUSHLENDOW BIO-CNG FACILITY  
ON PORTION 37 RHENOSTERFONTEIN 494 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 07 April 2017 of Environmental Impact Assessment Regulations of 2014, as amended, for:*

1. *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**[Listed activity 27]*
2. *Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development –*
  - ii) *Will occur outside an urban area, where the total land to be developed is bigger than 1 hectare**[Listed activity 28(ii)]*
3. *The development and related operation of facilities or infrastructure, for the storage, or for the storage and handling, of a dangerous good, where such storage occurs in containers with a combined capacity of 80 cubic meters or more but not exceeding 500 cubic meters [Listed activity 14].*

*Government Notice No. R324 of 07 April 2017 of Environmental Impact Assessment Regulations of 2014, as amended, for:*

**Let's Grow North West Together**



1. The development and related operation or facilities or infrastructure for the storage, or storage and handling of a dangerous good where such storage occurs in containers with a combined capacity of 30 cubic meters but not exceeding 80 cubic meters.  
[Listed Activity 10(h)(iv)]

This Department has evaluated the **Basic Assessment Report** received on 05 December 2022 for the establishment and operation of bio-Compressed Natural Gas (CNG) facility on a site covering 10 hectares in extent on Portion 37 of the farm Rhenosterfontein 494 JP- 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: 04/04/2023

**Cc: Mr. Tsepo Lepono**  
**Green Gold Group (Pty) Ltd**  
Tel No.: 083 339 9103 / 012 844 0248  
Email: [eias@greengoldgroup.co.za](mailto:eias@greengoldgroup.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;

**"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 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.

 **"the Regulations"** means the Environmental Impact Assessment Regulations, of 04 December 2014 as amended.



## B. Environmental Authorisation

Authorisation register number: **NWP/EIA/70/2022**

Holder of Environmental Authorisation: **EBF Gas (Pty) Ltd**

Location of activity: **Portion 37 of the farm Rhenosterfontein 494 JP ,  
KgetlengRivier 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. Activity 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:-

#### **EBF Gas (Pty) Ltd.**

11 St. Pauls Road

**HOUGHTON**

2198

Cell: 082 550 8553

Email: carsten@hlaugesen.com

to undertake the following activity:

The establishment and operation of bio-Compressed Natural Gas (CNG) facility on a site covering 10 hectares in extent on Portion 37 of the farm Rhenosterfontein 494 JP – Kgetleng-Rivier Local Municipality, North West Province. Facility to be known as the Mushlendor Bio-CNG Facility.

The development will include:

- Intake mixing tank
- Digestion tanks
- Gas treatment system
- Liquid fertiliser pond
- Cylinder loading area
- Approximately 400 square meters for offloading of 100 cubic meters of manure on a

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Mushlendor Bio-CNG gas facility  
Koster-PTN 37 Rhenosterfontein 494JP

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daily basis

- Gas compression unit (Gas storage facilities of 80 cubic meters of Bio-Compressed Natural Gas)

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

#### Site Location:

S1	Latitude	Longitude
Portion 37 of the farm Rhenosterfontein 494 JP	25° 58' 28.89" S	26° 53' 31.34" E

The site of the proposed activity is situated at the Mushlendorff Cattle Farm located on Portion 37 of the farm Rhenosterfontein 494 JP - Kgetlengrivier Local Municipality; hereafter referred to as "the property". Directions to the site:

When Driving out of Koster in the direction of Derby, take the right turn towards Kaallaagter/Ventersdorp after passing the silos; continue approximately 11 kilometres to the Mushlendorff Bio-CNG facility site located on the right hand side.

### 3. Conditions

#### 3.1 Scope of Environmental Authorisation

3.1.1 The **preferred site** alternative of the Mushlendorff BIO-CNG (S1) is **approved**.

3.1.2 Authorisation of the activity is subject to the conditions contained in this Environmental Authorisation, which 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. 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) National Heritage Resources Act, 1999 (Act No. 25 of 1999).
- b) National Forestry Act, Act 84 of 1998. Any trees species included on the list of protected tree species under the National Forestry Act; may not be removed or destroyed without prior permission from the Department of Agriculture Forestry & Fisheries as contemplated in Section 15(1) of the said Act.





- c) Conservation of Agricultural Resources Act, 1983 (Act No. 43 of 1983)
  - d) The Occupational Health and Safety Act, 1993 (Act No. 85 of 1993)
  - e) All provisions of the National Water Act, 1998 (Act No. 36 of 1998)
  - f) National Environmental Management: Biodiversity Act, 2008 (Act No. 10 of 2004) as amended
  - g) National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) as amended.
  - h) National Environmental Management: Air Quality Act, 2008 (Act No. 39 of 2004) as amended
  - i) 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 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 on Appeal form obtainable from:

**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  
E-Mail: [cnieuwoudt@nwpg.gov.za](mailto:cnieuwoudt@nwpg.gov.za)

- 4.4 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.
- 4.5 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) dated 29 November 2022 which is as part of the Basic Assessment Report (BAR) submitted to this Department on 05 December 2022, for the proposed development is **hereby approved**.
- 5.2 The recommendations and mitigation measures outlined in the BAR, compiled by Green Gold Group (Pty) Ltd and received by the Department on 05 December 2022 must be adhered to, including Specialist Recommendations as described in the EMPr.
- 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 holder of this Environmental Authorisation must ensure adherence; by all contractors, sub-contractors and workers of the facility; 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 BAR are implemented, and to ensure compliance with the provisions of the EMPr.
- 6.2 Environmental Officer must be appointed to monitor, and report to the competent authority on compliance with the EA and the EMPr.
- 6.3 The Environmental Office must keep a record on site of all activities on site, environmental incidents as well as corrective and preventative actions taken.
- 6.4 The holder of Environmental Authorisation must ensure communication with key stakeholders in respect to monitoring of compliance with conditions of this Environmental Authorisation and the EMPr and also liaise with this Department's Environmental Compliance and Enforcement Section.





- 6.5 It is the responsibility of the holder of this Environmental Authorisation to ensure that 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 activity authorised**

- 7.1 For Activity 28(ii) of GNR 327 of 07 April 2017: This Environmental Authorisation is valid for the period of **5 years** (i.e. these activities must be concluded within **5 year** from the date of issue of this Environmental Authorisation).
- 7.1.1 If the holder of the Environmental Authorisation anticipates that the conclusion of the activity/s authorised would not occur within a 5 year period, he/she must prior to the lapse of 5 years, apply for an amendment of the Environmental Authorisation and show good cause and give reasons why an extension of the Environmental Authorisation should be granted
- 7.1.12 If the holder of the Environmental Authorisation anticipates that commencement of the activities would not occur within **5 year** period, he/she **must** apply and **show good cause** for an extension of the Environmental Authorisation prior to its expiry date.
- 7.2 For Activity 14 GNR 327 07 April 2017 and Activity 10 GNR 324 of 07 April 2017: **this Environmental Authorisation is valid from the date of issue of the authorisation and has no conclusion date**
- 7.3 An appeal made against Environmental Authorisation result in it being suspended, therefore the activity must not continue pending the decision by the MEC, as Appeal Authority.

## **8. Recording and reporting to the Department/ Environmental Audit Report**

- 8.1 **14 days** written notice must be given to the Environmental Compliance and Enforcement Section of this Department that the activity will commence, notice must be sent to [cnieuwoudt@nwpg.gov.za](mailto:cnieuwoudt@nwpg.gov.za) or [Lnonkomo@nwpg.gov.za](mailto:Lnonkomo@nwpg.gov.za).
- 8.2 **An Environmental Audit Report must be compiled and be 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.**
- 8.3 Records of quantities and collection of liquid fertilisers must kept onsite.
- 8.4 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 dumping or incineration of waste is allowed on site or adjacent properties.



- 9.2 Hazardous waste must be removed from site by a registered contractor to a registered hazardous waste site. Records must be kept on site of all waste removed.
- 9.3 Material Safety data Sheets of all gases and substances handled on site must be placed on site at all times.
- 9.4 Safety signage must be prepared and placed on site to alert persons of all risks and dangers at the facility and indicate which personal protective equipment is required at the facility.
- 9.5 Liquid fuels and hazardous liquids must be stored on a bunded area with impermeable layer and capacity to hold at least 50% of the capacity of the fuels/ hazardous liquids in case of a leakage.
- 9.6 A leakage monitoring and detection plan must be formulated by the facility engineer and be implemented by persons responsible for handling hazardous material.
- 9.7 Provision for ablution facilities on site must be established such that they do not cause water or other pollution and conform to regulatory hygiene measures and the Occupational Health and Safety legislation.

## **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 A stormwater management plan for the facility must be developed and submitted to the Kgetleng-rivier Local municipality for approval prior to commencement of construction of the development. Records must be attached and kept on site at all times.
- 11.2 The sewage management infrastructure plan for the facility must be developed and submitted to the Kgetleng-Rivier Local Municipality for approval prior to commencement of construction of the development. Records must be attached and kept on site at all times.
- 11.3 The applicant must adhere to the mitigation measures and recommendations contained in the Basic Assessment Report & specialist studies received on 05 December 2022.
- 11.4 The facility layout plan No. GEN16048-160 dated 14/07/2017; Prepared by Van den Ende & Associates,; as depicted in Appendix C of the BAR; is hereby accepted.
- 11.5 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.



- 11.6 Removal of trees listed on the list of protected tree species under the National Forestry Act, Act 84 of 1998, and must be done in compliance with Section 15(1) of the said Act. For further guidance on this matter please consult the Department of Environment, Forestry & Fisheries, Mr Lufuno Nevhufumba, Tel: 082 907 6118.
- 11.7 The activity may not commence without the necessary permits/licenses/approvals and/or service agreements, where it is relevant, from or with the relevant regulatory authorities whether national, provincial or local.
- 11.8 Provision of the ablution facilities on site during construction phase must be established such that they do not cause water or other pollution and conform to the regulatory hygiene measures and Occupational Health and Safety legislation.
- 11.9 Dust suppression measures must be implemented to minimize impact on road uses and surrounding property owners during construction.
- 11.10 No planned on-site maintenance of construction vehicles, equipment and machinery must be allowed.
- 11.11 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.
- 11.12 The holder of the Environmental Authorisation, EBF Gas (Pty) Ltd, 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.

## 12 General

- 12.1 A copy of this Environmental Authorisation must be kept at the property where the activity will be undertaken and must be produced to any authorised official of the Department upon requests.
- 12.2 The holder of the Environmental Authorisation must notify the Department (accompanied by reasons), in writing and within **48 hours**, if any condition of this Environmental Authorisation cannot be or is not adhered to. 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
- 12.3 No public authority shall be held responsible for any damages or losses suffered by the applicant or his successor in title in any instance 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:** 04/04/2023





## ANNEXURE 1: REASONS FOR ENVIRONMENTAL AUTHORISATION

### 1. Background

The Applicant, **EBF Gas (Pty) Ltd** applied for Environmental Authorisation to carry out the following activities:

The clearance of indigenous vegetation for the development and operation of a Bio-Compressed Natural Gas (CNG) facility on Portion 37 of the farm Rhenosterfontein 494 JP, Kgetleng-Rivier Local Municipality. The Facility is to be known as, "*Mushlendor Bio-CNG Facility*".

The applicant appointed **Green Gold Group (Pty) Ltd.** to undertake a Scoping and Environmental Impact 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 **Green Gold Group (Pty) Ltd** and received by the Department on 05 December 2022, including the following specialist studies :
  - Heritage Impact Assessment Study report dated 24 October 2022 compiled by Archaeologist and Heritage Services Africa (AHSA) (Pty) Ltd.
  - Geotechnical Investigation report dated April 2021 compiled by Geopractica.
  - Ecological Fauna & Flora Habitat Survey report dated March 2022 compiled by Anthene Ecological CC.
- b) 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.
- c) Not more than of 100m<sup>3</sup> of manure (cow dung will be stored on-site at a particular time (page 36 of BAR)
- d) The findings of a site visit undertaken by the Department official Mr. Thato Loeto, with Mr. D.P. Phoofolo of Green Gold Group (Pty) Ltd (EAP) and Mr. G. Visagie of EBF Gas (Pty) Ltd. (Applicant) on 23 November 2022.

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

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

- a) The Basic Assessment Report (BAR) complied with the stipulations of Appendix 1 of the EIA Regulations of 2014 as amended.
- b) The development was advertised in the local newspaper, "*Rustenburg Herald*", dated 02 September 2022 as part of the public participation process.
- c) The expertise of the Environmental Assessment Practitioner in conducting the Environmental Impact Assessment 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 Applicant wishes to establish a Bio-Compressed Natural Gas (CNG) facility on a site covering 10 hectares in extent.
- b) There are no significant adverse impacts on sensitive flora or fauna aspects of the environment are anticipated from the establishment of the proposed development, impact mitigation measures have been formulated.
- c) No Objections were registered during the Public Participation Process.
- d) Activity 14(ii),(x)&(xii) GNR 324 (Listing Notice 3) of EIA Regulations 2017, is hereby not authorised as no development of infrastructure is envisaged within a watercourse or development setback.

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

## ANNEXURE 2: ADMINISTRATION AND PROCESSING OF APPEALS

### ADMINISTRATION AND PROCESSING OF APPEALS IN TERMS OF CHAPTER 2 OF THE NATIONAL APPEAL REGULATIONS, 2014 TO BE FOLLOWED BY THE APPLICANT, AND INTERESTED AND AFFECTED PARTIES UPON RECEIPT OF NOTIFICATION OF AN ENVIRONMENTAL AUTHORISATION

#### Appeal submission

4. (1) An appellant must submit the appeal to the appeal administrator, and a copy of the appeal to the applicant, any registered interested and affected party and any organ of state with interest in the matter **within 20 days** from:
- (a) the date that the notification of the decision for an application for an environmental authorisation was sent to the registered interested and affected parties by the applicant; or
  - (b) the date that the notification of the decision was sent to the applicant by the competent authority, issuing authority or licensing authority, in the case of decisions other than those referred to in paragraph (a).
- (2) An appeal submission must be-
- (a) submitted in writing in the form obtainable from the appeal administrator; and
  - (b) accompanied by-
    - (i) a statement setting out the grounds of appeal;
    - (ii) supporting documentation which is referred to in the appeal submission; and a statement, including supporting documentation, by the appellant to confirm compliance with regulation 4(1) of these Regulations.

#### Responding statement

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

#### Appeal panel

6. (1) If the appeal authority reasonably believes that expert advice must be sought or that an appeal panel must be appointed, the appeal administrator must source an independent expert or constitute an independent appeal panel, or both, within 10 days from the date of receipt of an instruction from the appeal authority,
- (2) The appeal panel contemplated in 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 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.

