

RECORD OF DECISION FOR PROJECT REFERENCE 12/12/20/628/7/4: APPLICATION FOR THE CHANGE IN LAND USE FOR THE REMAINING AREA OF THE COEGA INDUSTRIAL DEVELOPMENT ZONE, NEAR PORT ELIZABETH

By virtue of the power delegated by the Minister in terms of section 33(1) Environment Conservation Act, (Act 73 of 1989) ("the Act"), I hereby, in terms of section 22(3) of the Act, authorise Coega Development Corporation (CDC) to undertake the activity specified/ detailed below subject to the indicated conditions.

1. DESCRIPTION, EXTENT AND LOCATION OF THE ACTIVITY:

- As illustrated in the drawing PH3_UD_MPLAN_2029_Coe/01, in Appendix A of the Final Revised Scoping Report dated November 2006, the proposed development entails the following:
 - The change in land use of the remaining area with an extent of 7200ha of the Coega Industrial Development Zone (IDZ), including the development Framework Plan (DFP) amendments as described on pages 9-16 of the final revised scoping report for the purpose of rezoning the area from agriculture or unspecified to special purposes for the establishment of the total Coega IDZ, with an extent of 11400ha, near Port Elizabeth.
 - The installation of ancillary service infrastructure, including service roads and storm water drainage systems, water supply, sewerage systems, electrical and telecommunication infrastructure associated with the establishment of an IDZ as described in section 2.6 on pages 21-24 of the revised final scoping report dated November 2006.
- Construction of the main access road from the National Route 2 to the proposed Zones 7 and 10 and the Zone Splitter road as indicated on drawings 16119/01/01/400/ENV.1 & 16119/01/01/400/ENV.2 and described in section 2.5 on page 20 of the final revised scoping report dated November 2006.
- The establishment, implementation and maintenance of the Open Space Management Plan (OSMP) as indicated on drawing COE/1072 – OSMP and described on pages 24-31 of the final revised scoping report dated November 2006.

2. KEY FACTORS INFORMING THE DECISION:

2.1 In reaching its decision in respect of the application, the Department of Environmental Affairs and Tourism ("the Department") has taken, *inter alia*, the following into consideration:

- a) The information contained in the:
 - Final Revised Scoping Report dated November 2006
 - Comments from the Eastern Cape Department of Economic Affairs, Environment and Tourism (DEAE&T) dated 7 June 2006.
 - Minutes of the Environmental Liaison Committee (ELC) meeting dated 2 February 2006.
 - Comments from all other IAPs as contained in the Issues and Response report in appendix H of the revised final scoping report.
 - Relevant documents as described in Table 1-1 on page 3 of the final revised scoping report dated November 2006.
- b) Compliance with applicable international and national legislation and departmental policies *inter alia*:
 - The Act
 - The principles set out in Section 2 of the National Environmental Management Act, 1998 (Act 107 of 1998) (NEMA)

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c) The findings of a site visit conducted by Mr John Geeringh of the Department on 17 January 2007.

2.2 In reviewing this information, the Department made the following findings:

- The IDZ was proclaimed in the Government Gazette 225/29 of 7 December 2001 and has been accepted by the Nelson Mandela Metropolitan Municipality (NMMM) in terms of the Land Use Planning process they follow.
- This spatial development initiative (SDI) initiated by the South African Government intends to unlock the economic potential of the Eastern Cape Province through job creation and empowerment of the previously disadvantaged communities by encouraging economic growth.
- The existing Core Development Area (CDA) and the Port of Ngqura was authorised on 27 May 2002 and the CDC and National Ports Authority (NPA) complied with the requirements and the conditions of the amended Record of Decision (ROD) issued on 27 May 2002.
- The CDC has ISO 14001 Environmental Management System (EMS) certification and the EMS is the overarching tool through which the CDC intends to ensure that activities with a significant detrimental or beneficial effect on the environment are properly managed.
- A standard specific Environmental Specification (ES) for construction (Document number in EMS: CDC\SHE\4233\ESD 4.4.6.0.1) was developed by CDC and form part of tender documents for contractors on site.
- All activities currently being undertaken in the CDA require Environmental Method Statements that are approved by the department.
- An OSMP covering the CDA and the land currently assessed under this application for a change in land use was compiled by CDC and approved by the relevant authorities.
- Ongoing monitoring of the implementation of the ROD for the CDA and conditions via the appointed Environmental Control Officer (ECO) and Environmental Monitoring Committee (EMC) is currently established.
- The establishment of the CDA is currently nearing completion and the requirements of certain proposed tenants requires the rest of the IDZ to be rezoned
- The area concerned is directly adjacent to the east and north of the CDA.
- The Port of Ngqura has been established.
- The IDZ is situated 20km east of Port Elizabeth.
- The total area of the IDZ will have an extent of 11400ha as originally planned.
- The proposed activity may lead to some impacts on the environment and such impacts should be minimised where it is not possible to avoid such impacts fully.
- The need for the project has been adequately demonstrated.
- The activities will result in major socio-economic benefits, not only to the Port Elizabeth and Eastern Cape Province, but to the country as a whole.
- The implementation of the mitigation measures and conditions set out in this Record of Decision is considered adequate to minimise possible detrimental impacts to acceptable levels.

Based on the above findings the Department's conclusion is that the activity will not lead to a substantial detrimental effect on the environment, that potential detrimental impacts can largely be mitigated to acceptable levels and that the principles of section 2 of NEMA can largely be upheld.

The Department has accordingly decided to grant Coega Development Corporation authorisation in terms of Regulations R. 1182 and R. 1183 (as amended), promulgated under section 21, 22 and 26 of the Environment Conservation Act (Act 73 of 1989) for the activities specified below and described in Section 1 above, subject to the conditions and provisions listed below.

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3 DESCRIPTION OF THE ACTIVITY

The authorisation applies in respect of the following activities as listed in Schedule 1, regulation R. 1182 and described in the final revised scoping report dated November 2006:

- Item 1: The construction, erection or upgrading of-
(d) roads, railways, airfields and associated structures;
- Item 2: The change of land use from-
(c): agricultural or zoned undetermined use or an equivalent zoning to any other land use.

4. SPECIFIC CONDITIONS

4.1 Environmental Monitoring Committee (EMC)

4.1.1 This development is authorised on condition that the applicant establish an EMC with clear terms of reference as described below and in the Integrated Environmental Management Information Series 21: Environmental Monitoring Committees, 2005 (DEAT).

4.1.2 Amongst others the EMC shall consist of but not be limited to the following:

- (a) A chairperson as described in 4.1.3
- (b) The relevant authorities whom have jurisdiction over the IDZ area and adjacent coastal zone
- (c) Representatives of the public
- (d) Representatives of statutory bodies
- (e) Representatives of non-governmental organisations (NGO)
- (f) Environmental Control Officer (ECO) (once appointed in terms of 3.2.4 below), and
- (g) A representative of the applicant

4.1.3 The EMC must appoint an independent chairperson who has appropriate people and project management skills.

4.1.4 The EMC must meet on a quarterly basis.

4.1.5 The EMC must report to: The Director: Environmental Impact Evaluation (EIE), of the Department of Environmental Affairs and Tourism, on a quarterly basis and the report must include matters as described in section 4.1.6 of this ROD.

4.1.6 The purpose of the EMC is to execute the following:

- (a) To monitor and audit compliance to the conditions of this record of decision, environmental legislation and the required Environmental Management Plan (EMP) as described in sections 4.2.1 and 4.2.4 of this ROD.
- (b) To make recommendations to the Director: EIE on issues related to the monitoring and auditing of the activity implementation.
- (c) To advise the department on issues related to non-conformance reports (NCR) raised against the applicant by the ECO.
- (d) The EMC shall decide on the requirements for membership, should a need arise to review the constituency of the EMC. Any change should be communicated to the department.
- (e) The EMC shall take care of the performance monitoring of the ECO in terms of implementation of the conditions of this ROD under the auspices of the EMC chairperson, since the ECO has to report to the EMC.
- (f) The EMC, in conjunction with the ECO and applicant shall maintain a complaints register.

- 4.1.7 All costs associated with the functioning of the EMC and the secretariat services of the EMC shall be borne by the applicant.
- 4.1.8 The terms of reference for the EMC must, in addition to the scope of work as detailed in section 4.1.6 of this ROD, clearly set out roles and responsibilities related to logistical arrangements, administration and financial arrangements associated with the functioning of the EMC.
- 4.1.9 The role, responsibilities and constitution of the EMC shall be re-considered and re-established with new terms of reference for the operational phase of the development.

4.2 Environmental Management Plan (EMP)

- 4.2.1 CDC must submit a construction EMP to the relevant and competent authorities for acceptance before commencement of any of the activities related to this authorisation. The EMP must include but not be limited to the following aspects:
- Procedure for the demarcation of sites and working areas to limit environmental degradation of and construction encroachment into sensitive areas identified under the OSMP as described under section 4.2.5 of this ROD.
 - Procedure for the rehabilitation of all areas disturbed during the construction activities of the project excluding those areas where permanent structures are erected.
 - Procedure for the siting, demarcation and management of construction camps, sanitation, ablution and housing facilities as well as material storage areas used by the contractor. Such facilities must avoid the sensitive areas identified under the OSMP. All work areas must be supplied with proper sanitation facilities by the contractor.
 - Measures for the construction, management and rehabilitation of access roads to individual construction areas that will not become permanent roads upon completion of construction. Any new road constructed for any purpose must comply with the relevant SANS codes and the requirements of the approved OSMP.
 - Procedure for waste avoidance, minimisation and/or disposal of waste at an appropriate facility.
 - A storm water management plan that complies with the Department of Water Affairs and Forestry's standards must be compiled and implemented.
 - The protection of any unknown heritage sites likely to be impacted by the development, should such sites be found during any activity related to the IDZ establishment. Known sites must be included in and managed as part of the OSMP.
 - Provisions for harvesting of any medicinal plants that may occur on site prior to site clearance if such plants can not be relocated.
 - Measures for the protection of indigenous vegetation where such is not affected by the physical footprint of the development or ancillary infrastructure and associated construction activities.
 - Provision for plant search and rescue of protected and endangered species which should be done before commencement of any construction related activity.
 - Measures aimed at controlling alien vegetation, invasive plant species and weeds must be implemented and must form part of the relevant EMP. A schedule of maintenance activities in this regard shall form part of the relevant EMP. Priority for vegetation management should be given to the Open Space Areas and prevention of re-infestation of disturbed areas where construction activities are completed.
 - The CDC must implement a rodent management plan. The implementation of this plan should take the following into consideration:

- Consultation with their neighbours on removal of obstacles, which hampers effective rodent management especially in areas where boundaries and buffer zones to and between land occupants could influence an effective programme.
 - The number of dead rodents found should be registered and such statistics made available to the municipality concerned on at least a monthly basis.
 - Increases in the number of dead rodents should be reported immediately to the NMMM Health Department.
 - Measures for the management of traffic during the construction activities of the IDZ development where the site access roads and other transportation networks intersect.
 - Monitoring and management of noise and dust pollution levels during the construction activities.
 - A fire control management plan for implementation on site.
 - Measures for the implementation of site specific erosion and sediment and dust control measures during the construction activities of the project.
 - Insofar as it relates to the activities hereby approved, all recommendations and mitigation measures as proposed on pages 87-91 of the final revised scoping report dated November 2006 are deemed appropriate and thus form part of this record of decision and must be implemented as part of the EMP.
- 4.2.2 Once accepted by DEAT, the construction EMP will be seen as a dynamic document. However, any changes to the EMP must be submitted to the authorities for acceptance before such changes could be effected. Such a submission for consideration by DEAT must be accompanied by recommendations from the EMC.
- 4.2.3 Compliance with the accepted construction EMP must form part of all tender documentation for all contractors working on the project and must be endorsed contractually.
- 4.2.4 CDC must submit an EMP for the operational phase of the development to the relevant provincial and local authorities and the competent authority for acceptance. Since there are existing operational tenants in the IDZ, the operational EMP should be drafted and submitted for approval to ensure coverage of the activities of such tenants are monitored. The operational EMP will be seen as a dynamic document. However, any substantial changes to the operational EMP, which is environmentally defensible, must be submitted to the authorities for acceptance before such changes could be effected.
- 4.2.5 CDC must maintain the Open Space Management Plan (OSMP) and any revision thereof, with the purpose of management of the open space system in the IDZ. However, any revision of the OSMP must be approved by the relevant and competent authorities. The requirements of the OSMP shall be clearly communicated to all subsequent contractors and tenants to ensure adherence to the OSMP.
- 4.2.6 Adequate buffer zones between any form of residential area and the IDZ must be provided for to ensure the limitation of nuisance factors such as noise pollution, lighting pollution and other health and safety requirements of the Occupational Health and Safety Act, 85 of 1993 and the Health Act, 63 of 1977.
- 4.3 Environmental Control Officer (ECO)**
- 4.3.1 The CDC must appoint a suitably qualified Environmental Control Officer (ECO) who would, on behalf of the EMC, on a regular basis monitor the project compliance with conditions of the ROD, environmental legislation, conditions stipulated in the relevant EMP and the implementation of the OSMP. The cost of the services of the ECO shall be borne by the CDC.
- 4.3.2 The ECO is responsible for the issuing of a non-conformance report (NCR) if non-compliance is noted and all NCR's shall be registered with the EMC. The principles to rectify and repair should precede the issuing of an NCR. The CDC has the duty to respond in writing to the EMC to all NCR's raised.

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- 4.3.3 The ECO must be appointed one month before the start of activities in the extended area of the IDZ and the authorities must be notified of such an appointment for communication purposes.
- 4.3.4 The ECO shall ensure that bi-annual environmental performance audits are undertaken on the project implementation.
- 4.3.5 The ECO shall submit an environmental compliance report on a monthly basis, in writing, to the Chairperson of the EMC and copy the CDC with such report. This report shall include a description of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO. These monthly reports shall be combined into a quarterly report submitted to the EMC.
- 4.3.6 The ECO shall maintain the following:
- A site diary
 - Copies of all monthly and quarterly reports submitted to the EMC
 - A schedule of current development activities including the monitoring of such activities
 - A register of audits and audit findings
 - A register of NCR's issued.
- 4.3.7 The ECO shall remain employed until all rehabilitation measures, as required for implementation due to construction activity damage, are completed and the site is handed over to CDC by the contractor for operation.
- 4.3.8 The ECO shall report to and be accountable to the EMC and performance reviews of the ECO in terms of the conditions of this ROD shall be conducted by the chairperson of the EMC in conjunction with relevant members of the EMC. These members shall include a representative of the applicant and at least one NGO to ensure transparency.
- 4.4 Monitoring and auditing**
- 4.4.1 Records relating to monitoring and auditing must be made available for inspection to any relevant and competent authority in respect of this development.
- 4.4.2 This department reserves the right to monitor and audit the development throughout its full life cycle to ensure that it complies with the conditions stipulated in the ROD, relevant EMP as well as the approved OSMP.
- 4.5 Transportation and handling of hazardous materials**
- 4.5.1 During the construction phase of the development, an effective monitoring system must be put in place to detect any leakage or spillage of all hazardous substance containing equipment during transportation, their handling and installation.
- 4.5.2 The transportation and handling of hazardous substances must comply with all the provisions of the Hazardous Substances Act, (Act No.15 of 1973), associated regulations as well as SABS 0228 and SABS 0229 codes.
- 4.6 Rehabilitation after construction activities**
- 4.6.1 No exotic plant species may be used for rehabilitation purposes. Only indigenous plants may be utilised.
- 4.6.2 Rehabilitation must be effected immediately when construction activities are completed.

- 4.6.3 Rehabilitation must be done to ensure prevention of erosion and dust control in areas where no follow-up development will take place within three (3) months after completion of any construction activities.
- 4.6.4 The rehabilitation process should include measures to combat noxious weed as declared in terms of the Conservation of Agricultural Resources Act, 43 of 1983 and the establishment and spread of alien vegetation.

4.7 Compliance with other legislation

Authorisation is granted in terms of Section 22 of the Environment Conservation Act, 1989 (Act No.73 of 1989). CDC shall also ensure compliance with the following environmental related legislation:

- Archaeological remains, artificial features and structures older than 60 years are protected by the National Heritage Resources Act, 1999 (Act No. 25 of 1999). Should any archaeological artefacts be exposed during vegetation clearing or excavation for the purpose of laying foundations, construction in the vicinity of the finding must be stopped. An archaeologist must be called to the site for inspection. Under no circumstances shall any artefacts be destroyed or removed from the site. The South African Heritage Resource Agency must be contacted to this effect. Their recommendations regarding the specific site must then be included in the construction EMP and be adhered to.
- All provisions of the Occupational Health and Safety Act, 1993 (Act 85 of 1993), must be adhered to by the holder of this authorisation.
- All provisions of the Health Act, 1977 (Act 63 of 1977), as well as provisions of the International Health Regulations Act, 1974 (Act 28 of 1974), must be fully complied with. The Environmental Health Section of the Local Authority must be progressively involved during the commencement of each stage of development, for them to set preventative criteria and to approve, environmental health-wise, the activities to be undertaken.
- All provisions of the Sea Shore Act, 1935 (Act No. 25 of 1935), must be complied with.
- All provisions of the National Water Act, 1998 (Act 36 of 1998), must be adhered to by the holder of this authorisation.
- All provisions of the Forest Act, 1984 (Act No.122 of 1984) must be complied with.
- All provisions of the National Environment Management: Air Quality Act, 2004 (Act 39 of 2004), must be adhered to by the holder of this authorisation.
- All provisions of the Atmospheric Pollution Prevention Act, 1965 (Act 45 of 1965), must be adhered to by the holder of this authorisation.
- All provisions of the National Environment Management: Biodiversity Act, 2004 (Act 10 of 2004), must be adhered to by the holder of this authorisation.
- Should fill material be required for any purpose, the use of borrow pits must comply with the provisions of the Minerals and Petroleum Resources Development Act, 2002 (Act 28 of 2002) administered by the Department of Minerals and Energy.

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- A permit shall be obtained from the provincial department of nature conservation for the removal or destruction of indigenous protected and endangered plant and animal species. At all times the provisions listed in section 4.2.1 of this ROD with regard to search and rescue of species must be adhered to by CDC.

4.8 Water quality management

- 4.8.1 CDC shall continuously monitor and report on the surface and ground water quality and implement measures to ensure that pollution of the resource does not occur. The monitoring and reporting programme for water quality and measures to control and prevent pollution of the resource shall be included in the operational EMP.
- 4.8.2 CDC shall ensure that no polluted water is discharged into the dune system or other natural drainage systems as part of their storm water management system during the operational phase of the IDZ.

4.9 Environmental education

- 4.9.1 A proper environmental education programme must be compiled and implemented by CDC for all contractors and sub-contractors working on the project, to the satisfaction of the EMC. This programme should educate them on the conditions of this ROD, the EMP and the OSMP.

5 GENERAL CONDITIONS

- 5.1 This authorisation is granted only in terms of section 22 of the Environment Conservation Act, 1989 (Act No.73 of 1989) and does not exempt the holder thereof from compliance with any other legislation.
- 5.2 This authorisation refers only to the activities as specified and described in the final revised scoping report dated November 2006. Any other activity listed under the Environmental Impact Assessment Regulations, 2006, which is not specified above, is not covered by this authorisation, and must therefore comply with the requirements of Government Notice R. 385, R. 386 and R. 387, published under NEMA, and subsequent amendments to these regulations.
- 5.3 This authorisation is subject to the approval of the relevant local authorities in terms of any legislation administered by those authorities.
- 5.4 The applicant must, within 7 (seven) calendar days of the date of this record of decision inform all interested and affected parties and at least include the following in the notification:
- (i) That an authorisation has been issued to the applicant to proceed with the construction and operation of the activity. If requested, provide copies of this ROD.
 - (ii) That any appeals against the issuing of the authorisation must be lodged with the Minister of Environmental Affairs and Tourism within 30 (thirty) days from the date on which this ROD has been issued to the applicant at the address stipulated in this ROD.
 - (iii) That an appeal questionnaire may be used in the lodging of an appeal. It is obtainable from the Department's offices at tel. (012) 310 3590 or e-mail: cveeden@deat.gov.za.
 - (iv) The date on which the ROD was issued to the applicant in terms of regulation 10(1) and the date by which appeals must reach the Minister.

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Failure to inform interested and affected parties within the stipulated time period may result in the Minister considering requests from such parties for permission to submit a late appeal favourably.

- 5.5 One week's written notice must be given to this Department before commencement of construction activities in the extended IDZ area covered by this ROD. Such notice shall make clear reference to the site location details and reference number given above.
- 5.6 The applicant shall be responsible for ensuring compliance with the conditions contained in this ROD by any person acting on his behalf, including but not limited to, an agent, servant, or employee or any person rendering a service to the applicant in respect of the activity, including but not limited to, contractors and consultants.
- 5.7 The applicant must notify the Department in writing, within 48 (fourty eight) hours if any condition of this authorisation cannot be, or is not, adhered to. The notification must be supplemented with reasons for non-compliance.
- 5.8 A copy of the ROD shall be made available on site during construction activities and all staff, contractors and sub-contractors shall be familiar with or be made aware of the contents of this authorisation and ROD.
- 5.9 Compliance/non-compliance records must be kept and shall be made available on request from the authorities within five days of receipt of the request.
- 5.10 Any changes to, or deviations from, the project description set out in this ROD must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations.
- 5.11 This Department may review the conditions contained in this ROD from time to time and may by notice in writing to the applicant, amend, add or remove a condition.
- 5.12 In the event that the predicted impacts exceed the significance as predicted by the independent consultant in the final revised scoping report dated November 2006, the authorisation may be withdrawn after proper procedures have been followed.
- 5.13 In the event of any dispute concerning the significance of a particular impact, the opinion of the Department of Environmental Affairs and Tourism (DEAT) in respect of its significance will prevail.
- 5.14 The applicant must notify the Department, in writing, at least 10 (ten) days prior to the change of ownership, project developer or the alienation of any similar rights for the activity described in this letter. The applicant must furnish a copy of this document to the new owner, developer or person to whom the rights accrue and inform the new owner, developer or person to whom the rights accrue that the conditions contained herein are binding on them.
- 5.15 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 notify the Department as soon as the new details become known to the applicant.
- 5.16 National government, provincial government, local authorities or committees appointed in terms of the conditions of this application or any other public authority or authorisation 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 approval as set out in this document or any other subsequent document emanating from these conditions of approval.

- 5.17 If any condition imposed in terms of this authorisation is not complied with, the authorisation may be withdrawn after 30 days written notice to the applicant in terms of section 22(4) of the Environment Conservation Act, 1989 (Act No. 73 of 1989).
- 5.18 Failure to comply with any of these conditions shall also be regarded as an offence and may be dealt with in terms of sections 29, 30 and 31 of the Environment Conservation Act, 1989 (Act No. 73 of 1989), as well as any other appropriate legal mechanisms.
- 5.19 The applicant shall be responsible for all costs necessary to comply with the above conditions unless otherwise specified.
- 5.20 Any complaint from the public during any construction activities in the IDZ and operation of the IDZ must be attended to as soon as possible to the satisfaction of the parties concerned. A complaints register as mentioned in section 4.1.6 (f) must be kept up to date and shall be produced upon request.
- 5.21 Departmental officials shall be given access to the properties earmarked for construction activities for the purpose of assessing and/or monitoring compliance with the conditions contained in this document at all reasonable times.
- 5.22 All outdoor advertising associated with this activity, whether on or off the property concerned, must comply with the South African Manual for Outdoor Advertising Control (SAMOAC) available from this Department.

6 DURATION OF AUTHORISATION

If the activity authorised by this ROD does not commence within 5 (five) years from the date of signature of this ROD, the authorisation will lapse and the applicant will need to reapply for authorisation in terms of any subsequent new legislation.

7 CONSEQUENCES OF NON-COMPLIANCE

The applicant must comply with the conditions set out in this ROD. Failure to comply with any of the above conditions may result in, *inter alia*, the Department withdrawing the authorisation, issuing directives to address the non-compliance – including an order to cease the activity – as well as instituting criminal and/or civil proceedings to enforce compliance.

8 APPEALS

Appeals in respect of this decision must be lodged with the Minister of Environmental Affairs and Tourism within 30 (thirty) days of the date of this decision. Appeals can be submitted utilising one of the following methods:

By facsimile: (012) 322 0082
By post: Private Bag X447, Pretoria 0001
By hand: 2nd Floor, Fedsure Forum Building, North Tower, cor. Van der Walt and Pretorius Streets, Pretoria.

Appeals must comply with the provisions of Regulation 11 of Government Notice No. R. 1183 which reads as follows:

"An appeal to the Minister or provincial authority under section 35(3) of the Act must be done in writing within 30 days from the date on which the ROD was issued to the applicant in terms of regulation 10(1); An appeal must set out all the facts as well as the grounds of appeal, and must be accompanied by all relevant documents or copies of them which are certified as true by a commissioner of oaths."

An appeal questionnaire may be used in the lodging of an appeal. It is obtainable from the Department's offices at tel. (012) 310 3590 or e-mail: cveeden@deat.gov.za.

Should the applicant wish to appeal any aspect of this decision, the applicant must notify and furnish copies of the appeal which will be submitted to the Minister, to all registered interested and affected parties. Proof of such notification must be submitted to the Minister with the appeal. Failure to comply with this provision may result in the Minister refusing to consider the appeal.

9 APPLICANT:

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Ms Pam Yako
Director – General
Department of Environmental Affairs and Tourism
Letter signed by: Lize McCourt
Designation: Chief-Director: Environmental Impact Management

Date: 6/3/07