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Our Reference: 10315/Let52

03 March 2010

**Attention: Interested and Affected Party**

**Re: Notice of Environmental Authorisation – Proposed De-bottlenecking of an existing pipeline near Lephalale (DEA Reference No: 12/12/20/1467)**

This serves as notification that a positive Environmental Authorisation, subject to conditions, has been issued by the Department of Environmental Affairs (DEA) for the abovementioned project (Reference number 12/12/20/1467) on 24 February 2010. The aforementioned authorisation is issued in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998), following the undertaking of a Basic Assessment Process (according to Government Notice No. R.385) for the following activities listed in Government Notice No. R.386: 1 (k), (l), (m) and (n), 4,7,12,15, 16 and 20.

A copy of the Environmental Authorisation can be obtained from Nemai Consulting (contact details below), on request. DEA's reasons for the decision are attached hereto.

Parties wishing to formally appeal this authorisation must lodge a notice of intent to appeal with the Minister within **ten (10) days** of receiving this notice, and must submit the appeal within **thirty (30) days** of lodging the notice of intent to appeal. A copy of the official appeal form can be obtained from DEA from the following party:

<b>Mr T Zwane</b>	<b>Appeals Administrator</b>	<b>Tel: 012 310 3929</b>	<b>tzwane@deat.gov.za</b>
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Interested and Affected Parties wishing to formally appeal must follow the following procedure, in accordance with Chapter 7 of Government Notice No. 385 of 2006:

**Notices of intention to appeal**

- 62. (1)** A person affected by a decision referred to in regulation **60(1)** who wishes to appeal against the decision, must lodge a notice of intention to appeal with the Minister, MEC, or delegated organ of state, as the case maybe, within 10 days after that person has been notified in terms of these Regulations of the decision.
- (3) If the appellant is a person other than an applicant, the appellant must serve on the applicant –
- (a) a copy of the notice referred to subregulation (1); and
  - (b) a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.
- (4) The Minister, MEC or delegated organ of state, may, as the case may be, in writing, on good cause extend the period within which a notice of intention to appeal must be submitted.

**Submission of appeals**

- 63. (1)** An appeal lodged with –
- (a) the Minister must be submitted to the Department of Environmental Affairs and Tourism;
  - (b) the MEC must be submitted to the provincial department responsible for environmental affairs in the relevant province or
  - (c) the delegated organ of state, where relevant, must be submitted to, that delegated organ of state.

- (2) An appeal must be –
- (a) on an official form published by or obtainable from the relevant department; and
  - (b) accompanied by –
    - (i) a statement setting out the grounds of appeal;
    - (ii) supporting documentation which is referred to in the appeal and which is not in the possession of the Minister, MEC or delegated organ of state;
    - (iii) a statement by the appellant that regulation 62(2) or (3) has been complied with together with copies of the notices referred to in that regulation; and
    - (iv) the prescribed appeal fee, if any.
- (3) When submitting an appeal, the appellant must take into account any guidelines applicable to appeals.

**Time within which appeals must be lodged**

64. (1) An appeal must be submitted to the relevant department within 30 days of the lodging of the notice of intention to appeal referred to in regulation 62(1).
- (2) The Minister, MEC or delegated organ of state, as the case may be, may, in writing, on good cause extend the period within which an appeal must be submitted.

*Please note: An appeal against a decision must be submitted to the Department of Environmental Affairs who will lodge it with the Minister of Justice and Constitutional Development.*

Should you wish to appeal any aspect of the decision, you must inter alia, lodge a notice of intention to appeal with the Minister, within **10 days** of receiving notice of the decision, by means of one of the following methods:

By facsimile:	012 320 7561;
By post:	Private Bag X447, Pretoria, 0001; or
By hand:	2 <sup>nd</sup> Floor, Fedsure Forum Building, North Tower, cnr. Van der Walt and Pretorius Streets. Pretoria.

Copies of the abovementioned documents should also be submitted to:

Nemai Consulting C.C. Attention: Mr. Salomon Pienaar Fax: (011) 781 1731 e-mail: <a href="mailto:salomonp@nemai.co.za">salomonp@nemai.co.za</a>
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The Notice of intention to appeal must be lodged by no later than **Friday, 12 March 2010**. The appeal must be lodged by no later than **30 days (Monday, 12 April 2010)** following the submission of the Notice of Intent.

Please contact us for any queries in this regard.

Yours Sincerely  
**Salomon Pienaar**



Nemai Consulting C.C.  
Environmental, Social, OHS and Training Consultants