



DEADP Ref: 16/3/3/1/F4/17/3048/24

Our Ref: 41103718

16 October 2025

PUBLIC

Dear Stakeholder,

Notification of Decision and Appeal Procedure for the Proposed Development of a Logistics Hub and Associated Infrastructure at ArcelorMittal South Africa (Pty) Ltd Saldanha Works on the Remainder of the farm 113, Port of Saldanha, Saldanha Bay, Western Cape Province

Notification of the Environmental Authorisation (EA)

This notice is issued in terms of Regulation 4(2) of the Environmental Impact Assessment (EIA) Regulations, 2014 (as amended) for the granting of the EA in terms of Section 24 L of the National Environment Management Act (No. 107 of 1998) as amended, (NEMA).

Notice is hereby given that the Department of Environmental Affairs and Development Planning (DEADP), on 13 October 2025, granted and issued ArcelorMittal South Africa (Pty) Ltd (AMSA) Saldanha Steel Works with an EA for the proposed Development of a Logistics Hub and Associated Infrastructure on the Remainder of the farm 113, Port of Saldanha, Saldanha Bay, Western Cape Province. The EA is herewith provided to registered Interested and Affected Parties (I&APs) and is attached in **Appendix A** of this notification.

The reasons for the decision are included in Annexure 3 of the EA.

In reaching its decision, the Competent Authority considered, inter alia, the following:

- a) The information contained in the Application Form (dated 29 August 2024), the final BAR (dated 30 May 2025), the final EMPr (dated May 2025), all other supporting information and the additional information received on 21 July 2025 and 28 August 2025, respectively;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation, Need and Desirability and Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA;
- d) The comments received from I&APs and the responses thereto, included in the final BAR;
- e) The balancing of negative and positive impacts and proposed mitigation measures; and
- f) A site visit was not conducted. The Competent Authority had sufficient information before it to make an informed decision without conducting a site visit.

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Magwa Crescent West, Waterfall City
Midrand, 1685
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All information presented to the Competent Authority was taken into account in the consideration of the application for Environmental Authorisation. These included the:

- a) Public Participation Process;
- b) Alternatives presented;
- c) Need and desirability;
- d) Regional and Local Planning;
- e) Biophysical Impacts;
- f) Aquatic Impacts;
- g) Visual Impacts;
- h) Air Quality Aspects;
- i) Hazards, Risks and Health Aspects;
- j) Traffic Impacts;
- k) Noise Impacts; and
- l) Socio-economic Impacts.

After consideration of the information provided to the Department including the factors listed above, the Department made the following conclusion in the EA:

“In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMPr, the Competent Authority is satisfied that the authorised Listed Activity will not conflict with the general objectives of Integrated Environmental Management stipulated in Chapter 5 of the NEMA and that any potentially detrimental environmental impacts resulting from the undertaking of the Listed Activity can be mitigated to acceptable levels.”

Opportunity to Appeal

WSP Group Africa (Pty) Ltd (WSP) (the Environmental Assessment Practitioner (EAP)) hereby notifies all registered I&APs of their right to appeal the EA in terms of the National Appeal Regulations, 2025, (Government Notice No. R. 5985 in Government Gazette No. 52269 of 13 March 2025). Furthermore, WSP hereby provides I&APs with information regarding the process of lodging an appeal.

The EA Holder is required to, in writing, within fourteen (14) calendar days of the date of the decision on the application, ensure that all registered I&APs are provided with access to the decision and the reasons for such decision. The EA was signed off on 13 October 2025 and received via email on 13 October 2025. The I&APs are therefore herewith notified within 14 days of receipt of the EA as required.

The appeal procedure described in the National Appeal Regulations, 2025, and outlined below, must be followed should an I&AP want to submit an appeal. The National Appeal Regulations, 2025 have been included in **Appendix B**.

Please note that anyone who wishes to appeal the decision, or any aspect of the decision has until **Wednesday, 05 November 2025** (i.e., 20 days from issuing this letter but excluding public



holidays). Appeal(s) must be lodged as prescribed by Chapter 2 of the National Appeal Regulations, 2025.

An appeal submission must be submitted in writing, on the form obtainable from the Appeal Administrator, and accompanied by:

- a) a statement setting out the grounds of appeal;
- b) supporting documentation which is referred to in the appeal submission; and
- c) include proof of payment of the prescribed non-refundable appeal fee, if prescribed.

A prescribed appeal form, responding statement form as well as assistance regarding the appeal processes is obtainable from the relevant website of the Appeal Authority:

<http://www.westerncape.gov.za/eadp> or the office of the Minister at: Tel.: (021) 483 3721 or email: DEADP.Appeals@westerncape.gov.za.

In terms of the National Appeal Regulations, 2025, the appellant must provide a copy of the appeal form and supporting documents to the Appeal Administrator, Decision Maker (DEADP) and the Holder of the EA by email or by hand.

Attention	Appeal Administrator Details
By email: Email Address	DEADP.Appeals@westerncape.gov.za
By hand: Physical Address	Attention: Mr Marius Venter Room 809, 8 th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

Contact details of the EA Holder are as follows:

EA Holder	ArcelorMittal South Africa (Pty) Ltd
EA Representative	Aldrich Louis
Postal Address	Private Bag X11, Saldanha,7395
Email Address	aldrich.louis@arcelormittal.com
Contact Details	022 709 4001

Should you require any additional information, please contact the WSP Public Participation Office as follows:

Postal Address	P.O. Box 6001, Halfway House, 1685
Email Address	pp@wsp.com
Tel	(011) 254 4800

Yours sincerely

Jacqui Fincham (Registered EAP)
Environmental Assessment Practitioner

Attachment: Copy of the Environmental Authorisation Reference No: 16/3/3/1/F4/17/3048/24



APPENDIX A: ENVIRONMENTAL AUTHORISATION



EIA REFERENCE: 16/3/3/1/F4/17/3048/24
NEAS REFERENCE: WCP/EIA/0001613/2025
DATE OF ISSUE: 13 OCTOBER 2025

The Board of Directors
ArcelorMittal South Africa (Pty) Ltd
Private Bag X11
SALDANHA
7395

For Attention: Mr. Aldrich Louis

Tel.: (022) 709 4001

E-mail: aldrich.louis@arcelormittal.com

Dear Sir

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED): THE PROPOSED DEVELOPMENT OF A LOGISTICS HUB AND ASSOCIATED INFRASTRUCTURE AT ARCELORMITTAL SOUTH AFRICA (PTY) LTD ("AMSA") SALDANHA WORKS ON THE REMAINDER OF THE FARM NO. 1132, PORT OF SALDANHA, SALDANHA BAY

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** Environmental Authorisation, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the EIA Regulations, 2014 (as amended), you are instructed to ensure, within fourteen (14) days of the date of the decision on the application, that all registered Interested and Affected Parties ("I&APs") are provided with access to the decision and reasons for the decision, and that all registered I&APs are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the National Appeal Regulations, 2025, which prescribes the appeal procedure to be followed. This procedure is summarised in the Environmental Authorisation below.

Your interest in the future of the environment is greatly appreciated.

Yours faithfully

Zaahir Toefy

Digitally signed by Zaahir Toefy

Date: 2025.10.13 10:41:04

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MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
WESTERN CAPE GOVERNMENT: ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

Copied to:

(1) Ms. Jacqui Fincham (WSP Group Africa (Pty) Ltd)

E-mail: Jacqui.Fincham@wsp.com

ian.malloy@wsp.com

(2) Ms. Cindy Ganten-Bein (West Coast District Municipality)

E-mail: cgbein@wcdm.co.za

(3) Ms. Nazeema Duarte (Saldanha Bay Municipality)

E-mail: nazeema.duarte@sbm.gov.za



EIA REFERENCE: 16/3/3/1/F4/17/3048/24
NEAS REFERENCE: WCP/EIA/0001613/2025

ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED): THE PROPOSED EXPANSION BY MEANS OF THE DEVELOPMENT OF A LOGISTICS HUB AND ASSOCIATED INFRASTRUCTURE AT THE EXISTING HUB AT ARCELORMITTAL SOUTH AFRICA (PTY) LTD ("AMSA") SALDANHA WORKS ON THE REMAINDER OF THE FARM NO. 1132, PORT OF SALDANHA, SALDANHA BAY

With reference to your application for the abovementioned, find below the outcome with respect to this application.

DECISION

By virtue of the powers conferred on it by the NEMA and the EIA Regulations, 2014 (as amended), the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the Listed Activity specified in section B below with respect to the Preferred Activity Alternative, described in the final Basic Assessment Report ("BAR"), dated 23 April 2025.

The applicant for this Environmental Authorisation is required to comply with the conditions set out in section E below.

A. DETAILS OF THE HOLDER FOR THIS ENVIRONMENTAL AUTHORISATION

ArcelorMittal South Africa (Pty) Ltd
C/O Mr. Aldrich Louis
Private Bag X11
SALDANHA
7395

Tel.: (022) 709 4001
E-mail: aldrich.louis@arcelormittal.com

The abovementioned applicant is the holder of this Environmental Authorisation and is hereinafter referred to as "**the holder**".

B. LISTED ACTIVITY AUTHORISED

Listed Activity	Activity/Project Description
<p>Listing Notice 1 of the EIA Regulations, 2014 (as amended)–</p> <p>Activity Number: 34 Activity Description: “The expansion of existing facilities or infrastructure for any process or activity where such expansion will result in the need for a permit or licence or an amended permit or licence in terms of national or provincial legislation governing the release of emissions, effluent or pollution, excluding—</p> <p>(i) where the facility, infrastructure, 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 (Act No. 59 of 2008) in which case the National Environmental Management: Waste Act, 2008 applies;</p> <p>(ii) the expansion of existing facilities or infrastructure for the treatment of effluent, wastewater, polluted water or sewage where the capacity will be increased by less than 15 000 cubic metres per day; or</p> <p>(iii) the expansion is directly related to aquaculture facilities or infrastructure where the wastewater discharge capacity will be increased by 50 cubic meters or less per day.”</p>	<p>The proposed expansion works require an amendment to the facility's existing Air Emissions Licence.</p>

The abovementioned list is hereinafter referred to as “**the Listed Activity**”.

The holder is herein authorised to undertake the following alternative that includes the Listed Activity for the development of a logistics hub operating independently from the AMSA Saldanha Steel facility on the Remainder of the Farm No. 1132, Saldanha, which is located on the border of the Port of Saldanha. This development entails the following:

- The development of a new warehouse to store stockpiles of various commodity materials, as per AMSA requirements; and
- Associated infrastructure, which includes the development of an approximately 9m wide 2-lane roadway along the western boundary of the warehouse.

The new logistics hub will handle approximately 5 000 000 tonnes per annum (“tpa”) bulk material ore, including Manganese Ore, Phosphate concentrate, Garnet Sands, Zircon Sands, Lead concentrate, Copper concentrate and Zinc concentrate, which will be received via the existing rail and road system that leads into the logistics hub.

Access will be gained from an existing road located on the southeast boundary of the existing AMSA Saldanha Steel facility off the OP538 Road. An existing gravel entrance road leading from the OP538 Road will be tarred/paved to provide dedicated access for vehicles and trucks.

Existing infrastructure at the existing AMSA Saldanha Steel facility will be used.

The total development footprint will measure approximately 15000m² in extent.

C. SITE DESCRIPTION AND LOCATION

The Listed Activity will be undertaken on the Remainder of the Farm No. 1132, Saldanha, which is located on the border of the Port of Saldanha Bay.

The SG 21-digit code is given below:

Property	SG 21-digit code
Remainder of the Farm No. 1132, Saldanha	C04600000000113200000

The co-ordinates are given below:

Property	Southern co-ordinate	Eastern co-ordinate
Remainder of the Farm No. 1132, Saldanha	32° 58' 42.61" South	18° 0' 57.74" East

Refer to **Annexure 1**: Locality Map. Refer to **Annexure 2**: Site Layout.

The above property is hereinafter referred to as "**the site**".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

WSP Group Africa (Pty) Ltd
C/O Ms. Jacqui Fincham
P. O. Box 2613
CAPE TOWN
8000

Tel.: 021 481 8795

E-mail: Jacqui.Fincham@wsp.com

E. CONDITIONS OF AUTHORISATION

Scope of Authorisation

1. The holder is authorised to undertake the Listed Activity specified in Section B above in accordance with and restricted to the Preferred Property and Activity Alternative described in Section B above.
2. The holder must commence with, and conclude, the Listed Activity within the stipulated validity period, which this Environmental Authorisation is granted for, or this Environmental Authorisation shall lapse and a new application for Environmental Authorisation must be submitted to the Competent Authority.

This Environmental Authorisation is granted for –

- (a) A period of five (**5**) years, from the date of issue, during which period the holder must commence with the authorised Listed Activity.
 - (b) A period of ten (**10**) years, from the date the holder commenced with the authorised Listed Activity, during which period the authorised Listed Activity must be concluded.
3. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his behalf, including an implementing agent, sub-contractor, employee or any person rendering a service to the holder.

4. Any changes to, or deviations from the scope of the alternative described in section B above must be approved in writing by the Competent Authority before such changes or deviations may be implemented. In assessing whether or not to grant such approval, the Competent Authority may request information in order to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

Written Notice to the Competent Authority

5. A written notice of seven (7) calendar days must be given to the Competent Authority before the site preparation and clearance work can be commenced with.
 - 5.1. The notice must make clear reference to the site details and EIA Reference number given above.
 - 5.2. The notice must include proof of compliance with the following conditions described herein:

Conditions: 6, 7 and 11

Notification of Environmental Authorisation and Administration of Appeal

6. The holder must in writing, within fourteen (14) calendar days of the date of this decision–
 - 6.1. notify all registered Interested and Affected Parties ("I&APs") of –
 - 6.1.1. the decision reached on the application;
 - 6.1.2. the reasons for the decision as included in Annexure 3;
 - 6.1.3. the date of the decision; and
 - 6.1.4. the date when the decision was issued.
 - 6.2. draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations, 2025 detailed in Section G below;
 - 6.3. draw the attention of all registered I&APs to the manner in which they may access the decision;
 - 6.4. provide the registered I&APs with the:
 - 6.4.1. name of the holder (entity) of this Environmental Authorisation;
 - 6.4.2. name of the responsible person for this Environmental Authorisation;
 - 6.4.3. postal address of the holder;
 - 6.4.4. telephonic and fax details of the holder;
 - 6.4.5. e-mail address, if any, of the holder; and
 - 6.4.6. contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the National Appeals Regulations, 2025.

Commencement

7. The Listed Activity, including site preparation, must not be commenced with within twenty (20) calendar days from the date the applicant notifies the registered I&APs of this decision.
8. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided.

Management of Activities

9. The final Environmental Management Programme ("EMPr") (dated 24 April 2025), is hereby approved and must be implemented.
10. The Environmental Authorisation and EMPr must be included in all contract documentation for all phases of implementation.

Monitoring

11. The holder must appoint a suitably experienced Environmental Control Officer ("ECO") before the Listed Activity can be commenced with, to ensure compliance with the EMPrs and the conditions contained herein. The ECO must submit ECO reports on a quarterly basis for the duration of the construction phase.
12. A copy of the Environmental Authorisation, EMPr, ECO reports, audit reports and compliance monitoring reports must be kept at the contractor's site office during the clearance activities and thereafter the said documents must be kept at the office of the holder and must be made available to any authorised official of the Competent Authority on request.
13. Access to the site referred to in Section C must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the Competent Authority who requests to see the reports for the purposes of assessing and/or auditing compliance with the conditions contained herein.

Auditing

14. In terms of Regulation 34 of the EIA Regulations, 2014 (as amended), the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation and the EMPrs. Environmental audit reports must be compiled and submitted to the Competent Authority. Environmental audit reports must be prepared by an independent person and must contain all the information required in Appendix 7 of the EIA Regulations, 2014 (as amended).
15. The audit reports must be compiled and subsequently submitted to the Competent Authority in the following manner:
 - 15.1. An audit report must be submitted to the Competent Authority within **six (6) months** of the commencement of the construction phase;
 - 15.2. A final audit report must be submitted within **three (3) months** of the development being completed; and
 - 15.3. The holder must submit an environmental audit report **every five (5) years**, whilst the Environmental Authorisation remains valid.
16. The audit report must indicate compliance status with the conditions of this Environmental Authorisation and the EMPr and make recommendations for improved environmental management.
17. The holder must, within **seven (7) calendar days** of the submission of the audit report to the Competent Authority, notify all registered I&APs of the submission and make the audit report available to any registered I&AP on request and, where the holder has such a facility, place on a publicly accessible website.

Specific Conditions

18. Should any heritage remains be exposed during excavations or any other actions on the site, this must immediately be reported to the Provincial Heritage Resources Authority of

the Western Cape, Heritage Western Cape. Heritage remains uncovered or disturbed during earthworks must not be disturbed further until the necessary approval has been obtained from Heritage Western Cape.

Heritage remains include, *inter alia*, meteorites, archaeological and/or paleontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts and bone remains; structures and other built features with heritage significance; rock art and rock engravings; and/or graves or unmarked human burials including grave goods and/or associated burial material.

19. A qualified archaeologist and/or paleontologist must be contracted where necessary (at the expense of the holder) to remove any heritage remains. Heritage remains can only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant heritage resources authority.
20. An integrated waste management approach must be used that is based on waste minimisation and must incorporate reduction, recycling, re-use and disposal where appropriate. Any solid waste that cannot be recycled, re-use shall be disposed of at a licensed waste disposal facility.
21. The Fugitive Dust Management Plan (dated May 2024 and compiled by (WSP Group Africa (Pty) Ltd)) must be implemented. Should the said Fugitive Dust Management Plan be updated and/or approved by a specific Competent Authority, then the approved Fugitive Dust Management Plan must be implemented instead. Copies of the approved Fugitive Dust Management Plan must be submitted to this Directorate for record purposes.

F. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the Listed Activity.
2. Non-compliance with any Condition of this Environmental Authorisation or EMPr may render the holder liable for criminal prosecution.
3. If the holder does not commence with the Listed Activity within the period referred to in Condition 2, this Environmental Authorisation shall lapse. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be lodged with the Competent Authority.
4. An application for amendment of the Environmental Authorisation must be submitted to the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the EIA Regulations, 2014 (as amended) must be submitted.
5. Please note that an amendment of the Environmental Authorisation is not required for a change in the contact details of the holder. In such a case, the Competent Authority must only be notified of such changes.
6. The manner and frequency for updating the EMPr must be made in accordance with Regulations 35 to 37 of GN No. R.982 (as amended) or any relevant legislation that may be applicable at the time.

G. APPEALS

Appeals must comply the National Appeal Regulations, 2025 (Government Notice No. R. 5985 in Government Gazette No. 52269 of 13 March 2025). Please note the provisions of Regulations 1(2) and (3) of the National Appeal Regulations, 2025 when calculating the period of days.

1. The holder (applicant) of this decision must submit an appeal to the Appeal Administrator, any registered I&APs and the decision maker (Competent Authority who issued the decision) within **twenty (20) calendar** days from the date this decision was sent by the decision maker.
2. The I&APs (not the holder of this decision) must submit an appeal to the Appeal Administrator, the holder (applicant) of the decision and the decision maker within **twenty (20) calendar days** from the date this decision was sent to the registered I&APs by the holder (applicant) of the decision.
3. All appeals submitted must:
 - a. be in writing in the appeal form obtainable from the Departmental website;
 - b. include supporting documents referred to in the appeal; and
 - c. include proof of payment of the prescribed non-refundable appeal fee, if prescribed.
4. The holder (applicant) of the decision must:
 - a. notify registered I&APs and affected organs of state of any appeal received, and make the appeal available to them, within **five (5) calendar days** after the 20-day appeal period ends.
 - b. Submit proof of this notification to the Appeal Administrator within **five (5) calendar days** after sending the last notification.
5. The applicant, where applicable, the decision-maker, or any person notified under Regulation 4 of the National Appeal Regulations, 2025 may submit a Responding Statement within **twenty (20) calendar days** from the date they received the appeal, in the form obtainable from the Department website to the Appeal Administrator and to the appellant, where the appellant is not the applicant.
6. Appeals, Responding Statements and supporting documents must be submitted to the Appeal Administrator by means of one of the following methods:
 - a. **By e-mail:**
DEADP.Appeals@westerncape.gov.za or
 - b. **By hand** where that person submitting does not hold an electronic mail account:
Attention: Mr Marius Venter
Room 809, 8th Floor Utilitas Building,
1 Dorp Street, Cape Town, 8001

Note: You are also requested to submit an electronic copy (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Administrator via email or to the address listed above.

A prescribed appeal form, responding statement form as well as assistance regarding the appeal processes is obtainable from the relevant website of the Appeal Authority: <http://www.westerncape.gov.za/eadp> or the office of the Minister at: Tel.: (021) 483 3721 or email: DEADP.Appeals@westerncape.gov.za

H. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this Environmental Authorisation shall not be responsible for any damages or losses suffered by the holder, developer or his successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the conditions, as set out herein or any other subsequent document or legal action emanating from this decision.

Your interest in the future of our environment is greatly appreciated.

Yours faithfully

Zaahir Toefy
Digitally signed by Zaahir
Toefy
Date: 2025.10.13 10:41:45
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MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
WESTERN CAPE GOVERNMENT: ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE OF DECISION: 13 OCTOBER 2025

Copied to:

(1) Ms. Jacqui Fincham (WSP Group Africa (Pty) Ltd)

E-mail: Jacqui.Fincham@wsp.com

Ian.Malloy@wsp.com

(2) Ms. Cindy Ganten-Bein (West Coast District Municipality)

E-mail: CGBein@wcdm.co.za

(3) Ms. Nazeema Duarte (Saldanha Bay Municipality)

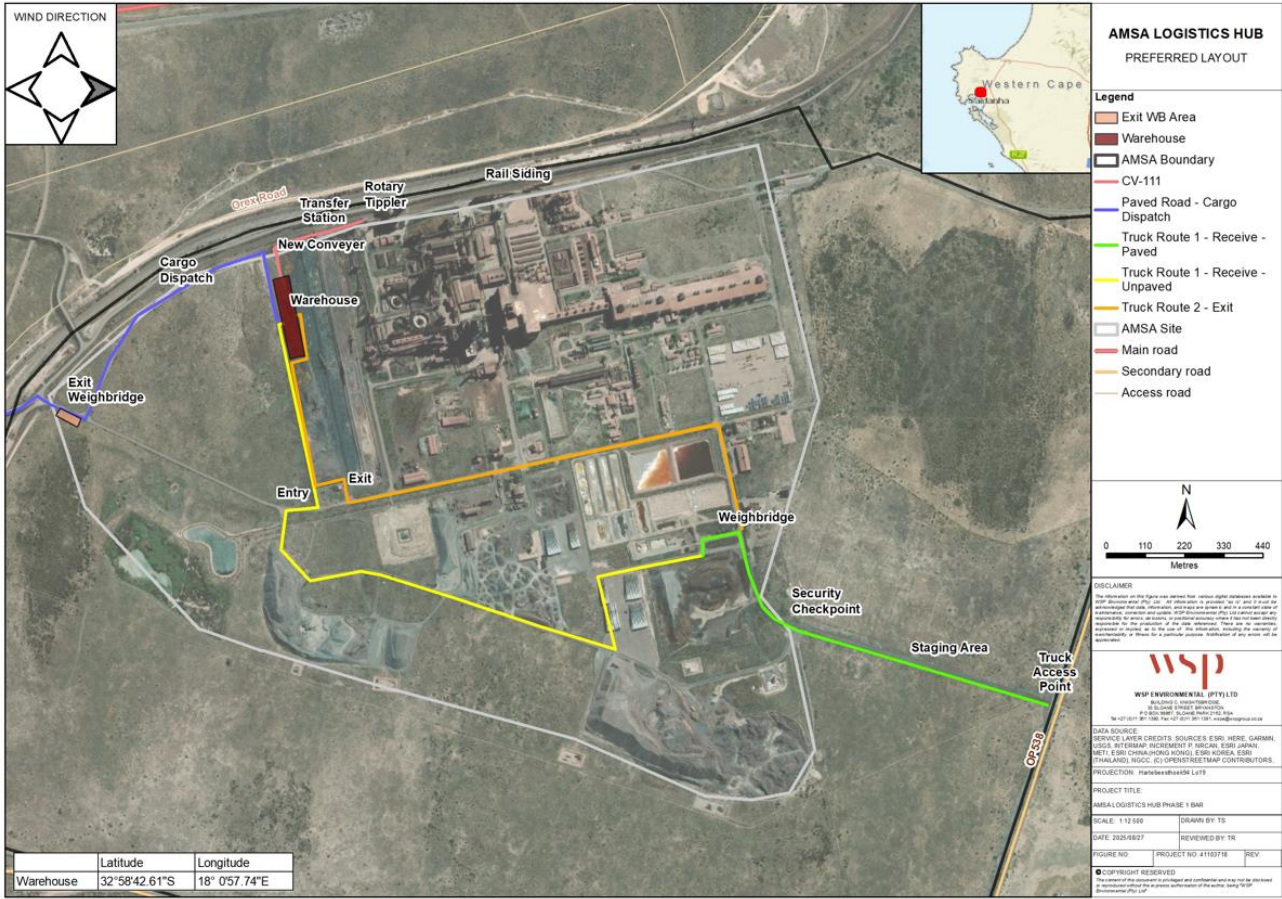
E-mail: Nazeema.Duarte@sbm.gov.za

FOR OFFICIAL USE ONLY:

EIA REFERENCE: 16/3/3/1/F4/17/3048/24

NEAS REFERENCE: WCP/EIA/0001613/2025

ANNEXURE 2: SITE LAYOUT



ANNEXURE 3: REASONS FOR THE DECISION

In reaching its decision, the Competent Authority considered, *inter alia*, the following:

- a) The information contained in the Application Form (dated 29 August 2024), the final BAR (dated 30 May 2025), the final EMPr (dated May 2025), all other supporting information and the additional information received on 21 July 2025 and 28 August 2025, *respectively*;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation, Need and Desirability and Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA;
- d) The comments received from I&APs and the responses thereto, included in the final BAR;
- e) The balancing of negative and positive impacts and proposed mitigation measures; and
- f) A site visit was not conducted. The Competent Authority had sufficient information before it to make an informed decision without conducting a site visit.

All information presented to the Competent Authority was taken into account in the consideration of the application for Environmental Authorisation. A summary of the issues that were considered to be the most significant for the decision, is set out below.

1. Public Participation

The Public Participation Process ("PPP") included, *inter alia*, the following:

- The identification of and engagement with I&APs and relevant authorities;
- A public meeting was held on 15 October 2024;
- Two (2) focus group meetings were held with key Stakeholders on 16 April 2025;
- Advertisements were placed in 'Die Weslander' and 'Die Burger' Newspapers on 26 September 2024;
- Notices were placed along the site on 26 September 2024;
- The draft BAR was made available for minimum commenting period of thirty (30) days from 26 September 2024 to 28 October 2024; and
- A revised draft BAR was made available for a minimum commenting period of thirty (30) days from 27 May 2025 to 28 June 2025.

During the PPP, the objections and support for the proposed development were received. Comments were also provided, with the main aspects largely relating to the following aspects:

- The risk of pollution on the receiving environment;
- The cumulative road traffic impacts;
- Dust, toxin and air quality impacts;
- The benefits and employment creation opportunities;
- Negative health effects and operational phase risks;
- The need for effective PPP and communication; and
- Noise impacts.

The above aspects were responded to, as follows:

With regards to the risk of pollution, it was emphasised that mitigation measures, including dust fallout monitoring, must be implemented on site to ensure environmental, health and safety risks are minimised and controlled.

As a response to the aspect of cumulative road traffic impacts, it was confirmed that no significant road impacts are expected. It was further detailed that the current roads are operating at a lower capacity than their design.

The issues of dust and toxic impacts were responded to by mentioning the fact that appropriate mitigation will be implemented, as per the Air Impact Report (dated November 2023 and compiled by (WSP Group Africa (Pty) Ltd)), the Human Health Risk Assessment ("HHRA") Report (compiled by Ms. M. A. Oostuizen), EMPr (dated 24 April 2025 and compiled

by WSP Group Africa (Pty) Ltd) and the relevant Fugitive Dust Management Plan. It has been emphasised that the logistics hub will incorporate design features to further mitigate and control dust emissions and the associated quality impacts.

In terms of the benefits and employment creation opportunities, details of the number and type of employment opportunities to be generated during the construction as well as operational phases and how these will benefit the Saldanha Bay municipal region have been included in the Economic Impact Assessment Report (dated 2023 and compiled by Urban-Econ Development Economists).

Regarding noise impacts, it was iterated that suitable noise mitigation measures have been included in the EMPr, whilst the applicable Noise Regulations must be adhered to. It was further detailed that the operations will occur within an enclosed warehouse, which will ensure reduced noise impacts on the surrounding environment.

Lastly, in response to the issue of effective PPP and communication, records of the PPP that was followed to date were submitted with the final BAR. The holder also submitted records of additional PPP undertaken, such as focus group- and public meetings. Furthermore, the outcome of the additional PPP and resolutions reached have also been submitted with the final BAR, which includes the commissioning of additional specialist studies and ensuring further adjustments are made to the development proposal to further mitigate negative impacts. An additional PPP was therefore warranted and records of this and the responses thereto have also been submitted with the final BAR.

This Directorate is satisfied that the PPP that was followed met the minimum legal requirements. All the comments raised, and responses thereto were included in the 'Comments and Responses Report'.

Specific management and mitigation measures have been considered in this Environmental Authorisation and the EMPr to adequately address any significant concerns raised.

2. Alternatives

Property and Site Alternative (Preferred and Herewith Authorised together with the Preferred Activity Alternative)

The Preferred Property and Site Alternative entails the proposed development taking place on the Remainder of the Farm No. 1132, Saldanha Bay, which is located within the existing Saldanha Steel Facility.

This is the only Preferred Property and Site Alternative, based on the following reasons:

- The site was previously used for the stockpile of iron ore used in the steel making process;
- The site comprises an existing engineered hardstand used for the storage of raw materials;
- The site has optimal proximity for the handling of bulk commodities near the Port of Saldanha, which meets operational efficiencies;
- Existing infrastructure is available for use, as part of the development proposal; and
- The site is appropriately zoned for industrial purposes.

Activity Alternative (Preferred and Herewith Authorised)

The Preferred Activity Alternative entails the development of a logistics hub operating independently from the AMSA Saldanha Steel facility on the Remainder of the Farm No. 1132, Saldanha, which comprises of the following:

- The development of a new warehouse to store stockpiles of various commodity materials, as per AMSA requirements; and
- Associated infrastructure, which includes the development of an approximately 9m wide 2-lane roadway along the western boundary of the warehouse.

The new logistics hub will handle approximately 5 000 000 tonnes per annum ("tpa") bulk material ore, including Manganese Ore, Phosphate concentrate, Garnet Sands, Zircon Sands, Lead concentrate, Copper concentrate and Zinc concentrate, which will be received via the existing rail and road system that leads into the logistics hub.

Access will be gained from an existing road located on the southeast boundary of the existing AMSA Saldanha Steel facility off the OP538 Road. An existing gravel entrance road leading from the OP538 Road will be tarred/paved to provide dedicated access for vehicles and trucks.

Existing infrastructure at the existing AMSA Saldanha Steel facility will be used.

The total development footprint will measure approximately 15000m² in extent.

This is the Preferred Activity Alternative, since it presents a compatible alternative use for the site. The proposed development remains in keeping with the landuse of the site and will maximise the opportunities of the location due to the close proximity to an active port.

Design and Layout Alternative 1: Stockpile Warehouse located on the North-Western Corner of the property (Herewith Authorised together with the Preferred Activity Alternative)

This Design and Layout Alternative entails the implementation of various modifications including, *inter alia*, a new inclined conveyor CV, a transfer tower and monorail and a tripper conveyor CV-B together with the associated infrastructure required.

This Design and Layout Alternative was selected, since it will enable operational efficiency on the site in terms of, *inter alia*, accessibility, minimising the emissions and dust generation of commodities from the warehouse, and minimising the need for additional infrastructure and roads required.

Design and Layout Alternative 2: Stockpile Warehouse Located on the South-Eastern Edge of The Property (Herewith Rejected)

This Design and Layout Alternative avoids modifications being made to the transfer house and routing the tripper product southwards along the existing stacker conveyor CV102 and over the stacker boom. A permanent tower numbered TS-B would be erected between the reclaim conveyor and the stacker conveyor at the southern end of the stockyard. A new conveyor CV-C would convey material from the discharge of the stacker boom to the warehouse.

Operational Alternative (Herewith Authorised together with the Preferred Activity Alternative)

This Operational Alternative entails receiving bulk commodities via rail and road to the logistics hub. Transnet Freight Rail shunts will rail wagons from the Northern Cape to the Saldanha Logistics Hub rail siding. In terms of road deliveries, the existing roads will be used.

This Preferred Operational Alternative will help counterbalance the current challenges experienced with the existing railway line through the transportation of bulk commodities via both rail and road.

'No-go' Alternative

The 'No-Go' Alternative entails maintaining the *status quo*, i.e., no construction of the logistics hub and associated infrastructure on the Remainder of the Farm No. 1132, Saldanha. The 'No-Go' Alternative was rejected based on the following reasons:

- Additional employment opportunities will not be created;
- Repurposing and using of the otherwise underutilised site will not be realised;
- Improved storage capacity of bulk commodities will not be realised; and
- No revenue will be gained from export sales.

3. Impact Assessment and Mitigation Measures

3.1 Need and Desirability

With ironmaking operations having ceased on-site due to challenges in the global steel market, AMSA Saldanha has been investigating alternatives to enable Saldanha Steel to realise an economic return. In this manner, some economic productivity of the site along with employment opportunities, can be regenerated.

Given the site's optimal proximity to the Port of Saldanha and the installed infrastructure, receiving bulk cargo for stockpiling and export can take place efficiently. Therefore, to harness this advantage, it is proposed that a logistics hub, with the purpose of handling bulk cargo be constructed, which will link to existing handling and conveyancing systems. It is envisaged that the new logistics hub will serve to 'debottleneck' the Port of Saldanha and increase the productivity and efficiency of export operations at the Transnet National Ports Authority ("TNPA") Multi-Purpose Terminal in Saldanha.

The ultimate goal of the logistics hub is to utilise its strategic position as a 'back-of-port' operator to support increased volume flow of both export and import cargoes through the Port of Saldanha, while also providing employment opportunities.

3.2 Regional and Local Planning

The site is located on a property zoned Industrial and falls within a broader industrial area within the Saldanha Bay Municipality. The proposed development is therefore a permitted landuse. All other planning related applications must be submitted to the relevant Competent Authority, where so required.

Since the new logistics hub will utilise space within a broader industrial area and its operations are in line with surrounding land uses, no conflict/inconsistencies with any forward planning policies are applicable.

3.3 Biophysical Impacts

The proposed development will take place on a brownfield site that is in a disturbed state due to its previous use for stockpiling and the installation of the existing infrastructure. According to the correspondence from Nick Helme Botanical Surveys (dated 12 August 2024), which is an addendum to the Biodiversity Compliance Statement (dated 3 February 2023 and compiled by Nick Helme Botanical Surveys), the development footprint will take place within heavily disturbed areas, with no remaining biodiversity (fauna and flora). The proposed development will have no negative impact on either fauna or flora. Hence, the significance of this impact being 'Very Low' negative from a biodiversity perspective, at both the construction and operational phases. No particular mitigation is therefore required.

3.4 Aquatic Impacts

No natural aquatic ecosystems (watercourses or wetlands) will be directly impacted by the proposed development. An area to the south of the proposed expansion area appears to be a previously excavated area, which is water-filled. As such, this area is not considered to support wetland or riparian habitat and was rated as being of 'Low' sensitivity in terms of aquatic biodiversity. According to the Aquatic Biodiversity Compliance Statement (dated April 2024 and compiled by WSP Group Africa (Pty) Ltd) the development is not anticipated to result in significant impacts to any aquatic biodiversity receptors.

The West Coast Aquifer underlies the site, which is classified as an intergranular and fractured aquifer. Given the nature of the development proposal, no direct impacts on groundwater are expected. The logistics hub warehouse will be built on an area

developed into a hardstand, which was previously used to stockpile iron ore for the steel making process, which further negates any impacts on groundwater resources.

3.5 Heritage Impacts

No significant archaeological heritage was identified where the proposed development will take place. According to the Heritage Impact Assessment Report (dated December 2023 and compiled by CTS Heritage), the proposed site for development is located within an area of 'Low' cultural landscape significance, which predominantly comprises of industrial development and agricultural fields intersected with roads. No impact on any significant archaeological or cultural landscape heritage resources were therefore identified.

Although no fossil remains were identified on the surface within the proposed development area, it is possible that extensive excavations may uncover fossil remains. The implementation of Conditions 18 and 19 of this Environmental Authorisation will help to ensure the protection of any heritage resources that may be encountered on the site.

With respect to the living cultural heritage, the Aikonese Cochoqua Khoi Tribal Council were consulted. In this regard, no places or features of cultural value were identified within or near to the proposed site by the Aikonese Cochoqua Khoi Tribal Council during the consultation process.

As per the final correspondence from Heritage Western Cape (dated 26 September 2024), the abovementioned Heritage Impact Assessment was endorsed, and no mitigation is required prior to construction being commenced with.

3.6 Visual Impacts

Since the proposed development will take place in an industrial zone that comprises of the existing AMSA Saldanha Steel facility, no significant visual impacts are anticipated during the construction phase nor after the construction period has concluded. In light of the receiving environment, the proposed development will be visually consistent with the immediate surrounds.

3.7 Air Quality Aspects

Since the activities at the proposed logistics hub involve the storage and handling of bulk commodities, particulate related pollutants are of concern. According to the dispersion modelling predictions stipulated in the Air Impact Report (dated November 2023 and compiled by (WSP Group Africa (Pty) Ltd)), concentrations associated with the new logistics hub operations will not impact residential sensitive receptors, with all sensitive receptor concentrations predicted to remain 'Low'. Manganese concentrations associated with the logistics hub operations are predicted to remain well below respective international guidelines, with no impacts on sensitive receptors, nor the receiving environment. Dust fallout rates are predicted to remain 'Low' at all sensitive receptors, which is below the residential standard.

Various mitigation measures will be implemented to mitigate the impacts on air quality during the operation of the logistics hub. Bulk material received via the haul road leading into the warehouse will be wetted by water sprayers to reduce emissions. Material received via rail will be chemically sprayed at the tippler and wet along the conveyor belts prior to being deposited within the warehouse to reduce emissions. Within the warehouse and before exporting, the material stockpiles will be made wet by water sprayers to reduce emissions. Besides wetting material, emissions will be reduced with certain material being contained within a building enclosure. Access into and out of the warehouse will only be taken from the eastern side of the building in order to prevent the ingress of wind and egress of dust. Other design and associated elements will be implemented to mitigate dust and emissions. In this regard, the northern, southern and western sides of the warehouse will be permanently sheeted, whilst the access road will

be paved and other roads treated with chemical dust suppressants, where so required. Since the use of the unpaved entrance road would have caused exceedances in the National Ambient Air Quality Standards along the eastern fenceline, it was confirmed in the Addendum Report (dated April 2024 and compiled by WSP Group Africa (Pty) Ltd)), that the paving of the entrance road will positively impact emissions and thereby not exceed predicted air emissions in terms of the National Ambient Air Quality Standards for the site and will additionally improve the overall impacts on the receiving environment.

A Fugitive Dust Management Plan ("FDMP") as well as an EMPr, which contains suitable provisions to manage on-site activities and mitigate and/or minimise dust generation and emissions, will be implemented.

3.8 Hazards, Risks and Health Aspects

Negative health impacts can occur from exposure to dust emissions from the bulk commodities handled on the site. The HHRA Report (compiled by Ms. M. A. Oosthuizen) via a dispersion model dispersion model, CALPUFF 24, established under various scenarios whether any adverse impacts on human health will result from the operations at the logistics hub. The scenarios included (1) the AMSA Saldanha Steel facility being in operation, (2) the logistics hub being in operation and (3) both the AMSA Saldanha Steel facility and logistics hub being in operation. Under all of these scenarios, it was determined that it would be unlikely for any individual to develop chronic health effects due to exposure of the materials and operations on the site. The impact significance of Scenarios 1 and 3 were rated to be of 'Medium Negative' significance, and the impact significance of Scenario 2 was rated to be 'Low Negative'. It was, however, deemed necessary that the mitigation and monitoring measures, maintenance and operation controls included in the EMPr and a Fugitive Dust Management Plan be implemented to ensure that the public are not negatively impacted or at risk. The implementation of a Fugitive Dust Management Plan is further necessitated due to unintended potential dust emissions that may result from the train haulage. At the same time, it was emphasised that the railway route does not pass through the towns of Vredenburg, Saldanha or Langebaan,

3.9 Traffic Impacts

According to the Traffic Impact Assessment Report (dated April 2025 and compiled by JG Afrika (Pty) Ltd), confirms that during the construction phase, the potential temporary traffic impacts include congestion and delays on the surrounding road network as well as noise, dust and exhaust pollution.

Traffic impacts during the construction period will be managed in accordance with the standard provisions of the EMPr, which focuses on controlling the manner in which construction activities, including the transportation of goods and peoples to and from the site, ought to take place. This will ensure that impacts will be of a 'Low Negative' significance.

It is expected that during the operational phase, trips generated will include staff trips and commodities deliveries trips. Approximately 26 vehicular trips will be generated during the peak hour, which will have a negligible to low impact on the surrounding road network. Suitable measures contained in the EMPr will be implemented to mitigate traffic impacts.

It was established in the Traffic Impact Assessment Report that the cumulative traffic impacts during the construction and operational phases of the development proposal will be of "Low Negative" significance, both before and after mitigation.

3.10 Noise Impacts

Since the proposed site is located in an industrial zone where no social receptors exist in the immediate vicinity, no significant noise impacts were identified. However, on-site

noise must be mitigated, especially for on-site personnel. This will largely include the implementation of the relevant occupational health and safety requirements and ensuring that all machinery is equipped and maintained to remain within acceptable emissions limits in terms of noise.

3.11 Services and Infrastructure

The existing administrative, office buildings, infrastructure and services such as water, electrical supply, sewage/effluent treatment facilities will be utilised, as part of the new development.

3.12 Socio-economic Aspects

The proposed development is set to provide employment opportunities during both the construction and operational Report (dated 2023 and compiled by Urban-Econ Development Economists), the proposed development is expected to generate approximately 391 employment opportunities. The increased household income of those employed directly or indirectly through the operations of the proposed development will result in additional expenditure in the economy, which stimulates growth and spurs the creation additional employment opportunities.

The logistic hub itself will enable an improved level of storage for commodities from the Northern Cape, which could potentially result in further impacts, especially for industries that require access to the bulk commodities stored on the site.

The Social Impact Assessment Report (dated January 2024 and compiled by WSP Group Africa (Pty) Ltd.) illustrates and confirms that the proposed development will create employment, training and business opportunities during the construction and operational phases, which will help to offset some of the negative impacts that resulted from the closure of the Saldanha Steel facility. It was further confirmed that the significance of the associated negative impacts such as, *inter alia*, increase in traffic impacts (construction and operational phases), dust and exhaust emissions (construction and operational phases), increased in noise levels (construction and operational phases) and health (operational phase) can be reduced with the implementation of the required mitigation measures contained in the EMPr.

The proposed expansion will result in both negative and positive impacts.

Negative Impacts include the following:

- Increased dust and noise levels on the site.
- Increased traffic to and from the site.
- Increased health impacts (potential).

Positive Impacts include the following:

- The repurposing of the existing AMSA Saldanha Steel site that was placed under care and maintenance to develop the proposed logistics hub to provide another use for the site.
- A revived economic purpose for the site and the return of employment opportunities to staff that were retrenched within the Saldanha Bay area.
- Suitable storage space for bulk commodities and access thereto for industries requiring it.

4. National Environmental Management Act, 1998 (Act No. 107 of 1998) Principles

The National Environmental Management Principles (set out in section 2 of the NEMA, which apply to the actions of all Organs of State, serve as guidelines by reference to which any Organ of State must exercise any function when taking any decision, and which must guide

the interpretation, administration and implementation of any other law concerned with the protection or management of the environment), *inter alia*, provides for:

- the effects of decisions on all aspects of the environment to be taken into account;
- the consideration, assessment and evaluation of the social, economic and environmental impacts of activity (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment;
- the co-ordination and harmonisation of policies, legislation and actions relating to the environment;
- the resolving of actual or potential conflicts of interest between Organs of State through conflict resolution procedures; and
- the selection of the best practicable environmental option.

5. Conclusion

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMPr, the Competent Authority is satisfied that the authorised Listed Activity will not conflict with the general objectives of Integrated Environmental Management stipulated in Chapter 5 of the NEMA and that any potentially detrimental environmental impacts resulting from the undertaking of the Listed Activity can be mitigated to acceptable levels.

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APPENDIX B: APPEAL REGULATIONS

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT**NO. R. 5985****13 March 2025****NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998****(ACT NO. 107 OF 1998)****NATIONAL APPEAL REGULATIONS**

I, Dr Dion Travers George, Minister of Forestry, Fisheries and the Environment, hereby make the regulations pertaining to the processing, consideration of, and decisions on appeals, in terms of sections 43, 44(1)(a), 44(1)(b) and 47 of the National Environmental Management Act, 1998 (Act No. 107 of 1998), as set out in the schedule to this notice.

**DR DION TRAVERS GEORGE****MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT**

SCHEDULE

CHAPTER 1

INTERPRETATION AND PURPOSE

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CHAPTER 2

ADMINISTRATION AND PROCESSING OF APPEALS

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CHAPTER 3

GENERAL PROVISIONS

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CHAPTER 1 INTERPRETATION AND PURPOSE

1. Interpretation

(1) Unless indicated otherwise, in these regulations, a word or expression that is defined in the Act bears the same meaning in these regulations, and in addition—

“**appeal administrator**” means the holder of an office—

- (a) in the Department;
- (b) in the department responsible for mineral resources;
- (c) in the provincial department responsible for environmental affairs; or
- (d) in the municipal body,

who administers an appeal on behalf of the appeal authority;

“**appeal authority**” means—

- (a) the Minister;
- (b) the Minister responsible for mineral resources as contemplated in section 43(8) of the Act;
- (c) an MEC;
- (d) a person delegated the power to decide an appeal; or
- (e) a municipal council as contemplated in section 43(1C) and 43(8) of the Act,

as the case may be;

“**appellant**” means any person or organ of state who is entitled to submit an appeal in terms of section 43 of the Act and includes an applicant;

“**applicant**” means a person to whom a decision contemplated in section 43 of the Act, has been issued;

“**Environmental Impact Assessment Regulations, 2006**” means the Environmental Impact Assessment Regulations, 2006 published under Government Notice No. R. 385 of 21 April 2006;

“**Environmental Impact Assessment Regulations, 2010**” means the Environmental Impact Assessment Regulations, 2010 published under Government Notice No. R. 543 of 18 June 2010;

“**independent**”, in relation to an expert or person appointed as a member of an advisory appeal panel, means—

- (a) that such a person has no business, financial, personal or other interest in the appeal in respect of which that person is appointed in terms of these regulations other than fair remuneration for work performed in connection with that appeal; or
- (b) that there are no circumstances that may compromise the objectivity of that person in performing such work;

“**registered interested and affected parties**” has the meaning assigned to it in regulation 1 of the Environmental Impact Assessment Regulations, 2014 (Government Notice No. R 982 in *Government Gazette* 38282 dated 4 December 2014, as amended); and

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

- (2) When a period of days must be reckoned in terms of the regulations, the period must be reckoned as from the start of the day following that particular day to the end of the last day of the period, but if the last day of the period falls on a Saturday, Sunday or public holiday, that period must be extended to the end of the next day which is not a Saturday, Sunday or

public holiday, and the period between 15 December to 5 January must be excluded from the reckoning of days.

- (3) Where a prescribed timeframe is affected by one or more public holidays, the timeframe must be extended by the number of public holiday days falling within that timeframe.

2. Purpose of regulations

The purpose of these regulations is to regulate the procedure contemplated in section 43 of the Act relating to the submission, processing, consideration of, and decisions on appeals in respect of the Act and any specific environmental management Act.

CHAPTER 2 ADMINISTRATION AND PROCESSING OF APPEALS

3. Application of regulations

These regulations are applicable to an appeal against a decision taken in terms of the Act or a specific environmental management Act that is subject to an appeal to the appeal authority in terms of section 43 of the Act.

4. Submitting an appeal

- (1) An appellant must submit an appeal—
- (a) within 20 calendar days from the date that the decision is sent by the decision-maker, or, where applicable, by the applicant to registered interested and affected parties; or
 - (b) within 30 calendar days from the date that the decision is received, where the appeal is submitted in terms of section 43(8) of the Act.

- (2) The appellant must submit the appeal—
 - (a) to the appeal administrator;
 - (b) to the applicant, where the appellant is not the applicant; and
 - (c) where applicable, to any registered interested and affected party where the appellant is the applicant.

- (3) An appeal submitted in terms of sub-regulation (1) must—
 - (a) be in writing;
 - (b) be in the form obtainable from the relevant website of the appeal authority;
 - (c) include supporting documentation, which is referred to in the appeal; and
 - (d) include proof of payment of a non-refundable appeal fee, if prescribed.

- (4) An applicant must—
 - (a) notify, and make a copy of the appeal available to, registered interested and affected parties where applicable, and to affected organs of state, within 5 calendar days of the expiry of the 20-day period in sub-regulation (1); and
 - (b) submit proof of the notification contemplated in paragraph (a) to the appeal administrator within 5 calendar days of sending the last notification.

5. Responding statement

The applicant, where applicable, the decision-maker and any other person contemplated in regulation 4 may, within 20 calendar days from the date of receipt of the appeal, submit, in the form obtainable from the website of the

relevant appeal authority a statement responding to an appeal, to the appeal administrator and to the appellant.

6. Additional information

The appeal administrator may request additional information from any person or affected organ of state for purposes of the appeal.

7. Decision on appeal

- (1) The appeal authority must decide an appeal, and notify the appellant, applicant, and, where applicable, any registered interested and affected party and affected organs of state of the decision within 50 calendar days of the expiry of the time period in regulation 5.
- (2) An appeal decision must contain written reasons for the decision.

CHAPTER 3 GENERAL PROVISIONS

8. Processing of appeal

- (1) The appeal administrator must acknowledge receipt of an appeal and responding statement within 5 working days after receiving either.
- (2) The appeal administrator must notify—
 - (a) the appellant;
 - (b) the applicant, where the appellant is not the applicant; and
 - (c) any party who submitted a responding statement,within 5 working days of the appointment of an advisory appeal panel or expert in terms of section 43(5) of the Act, read with regulation 11.

9. Extension of timeframes

A municipal council may extend or condone a failure by a person to comply with the timeframes in regulations 4(1) and 5.

10. Complex appeals

(1) Despite regulation 7(1), the appeal authority may decide an appeal within—

- (a) 70 calendar days of the expiry of the time period in regulation 5; or
- (b) 50 calendar days of the appeal administrator receiving the appeal panel or expert's recommendations, where an appeal is complex.

(2) An appeal is complex where it requires—

- (a) the appointment of an advisory appeal panel or an expert to assist the appeal authority to decide an appeal;
- (b) the appeal administrator to undertake a site inspection to properly advise the appeal authority; or
- (c) more than one appeal administrator to process the appeal due to the volume of its documents or the technical nature of its subject-matter.

11. Advisory appeal panel

- (1) If the appeal authority decides to appoint an advisory appeal panel or expert to consider and advise the appeal authority on an appeal, the appeal administrator must provide the appeal panel or expert with a written instruction within 10 calendar days of being appointed concerning the issues which the advisory appeal panel or expert must advise on.
- (2) The advisory appeal panel or expert must, within 10 calendar days of receiving instructions, submit its written recommendations to the appeal administrator.
- (3) A member of the advisory appeal panel or an expert must—
 - (a) be independent; and
 - (b) have suitable qualifications and experience in relation to the matters that must be considered in the appeal.
- (4) A person may not be appointed as a member of an advisory appeal panel or an expert if that person—
 - (a) was involved in any way in the making of the decision being appealed;
 - (b) or any spouse, partner or close family member of that person has a personal or private interest in the outcome of the appeal;
 - (c) is an unrehabilitated insolvent;
 - (d) has, as a result of improper conduct, been removed from an office of trust; or
 - (e) has been declared by a court to be mentally ill or disordered.
- (5) The chairperson of the advisory appeal panel must ensure that any dissenting opinion by a member of the panel is recorded in the written report of the panel.

12. Delivery of documents

A person may deliver documents in terms of these regulations by—

- (a) electronic mail; or
- (b) delivering a hard copy by hand where that person does not hold an electronic mail account.

13. Transitional arrangements

- (1) An appeal submitted prior to the commencement of these regulations, and which is still pending when these regulations take effect, must be finalised in terms of the legislation that applied at the time when the appeal was submitted.
- (2) Any appeal submitted after the date that these regulations come into effect must be administered in terms of these regulations, read together with the Act.
- (3) An appeal lodged after 8 December 2014 against a decision taken—
 - (a) in relation to a waste management license in terms of the National Environmental Management: Waste Act 2008 (Act No. 59 of 2008), or integrated environmental authorisation which followed the processes in the regulations referred to in paragraphs (b) and (c);
 - (b) in terms of the Environmental Impact Assessment Regulations, 2006; or
 - (c) in terms of the Environmental Impact Assessment Regulations, 2010,

must, despite the repeal of the regulations referred to in paragraphs (b) and (c), be dispensed with in terms of those regulations as if those regulations have not been repealed.

- (4) Where a decision was taken after 8 December 2014, but prior to the publication of the National Appeal Amendment Regulations, 2015, and the applicant was informed in such decision to follow a different appeal process than the process indicated in sub-regulation (3), the appeal process indicated in such decision must be followed.
- (5) For all decisions other than decisions contemplated in sub-regulations (3) and (4), an appeal submitted after 8 December 2014 against a decision taken prior to 8 December 2014 must follow the appeal process applicable at the time of the decision.

14. Repeal of regulations

The National Appeal Regulations, 2014 (GN R. 993 of 8 December 2014) and the National Environmental Management: Integrated Coastal Management Act Appeal Regulations, 2016 (GN R. 815 of 8 July 2016) are hereby repealed.

15. Short title and commencement

These regulations are called the National Appeal Regulations, 2025 and take effect on the date of publication in the *Gazette*.