Dear Sir/Madam

28 June 2019

NOTIFICATION OF ENVIRONMENTAL AUTHORISATION:
PROPOSED INFRASTRUCTURE DEVELOPMENT IN THE PRETORIA NATIONAL BOTANICAL GARDENS

DEA REFERENCE NUMBER: 14/12/16/3/3/2/1989

The South African National Biodiversity Institute (SANBI) proposes to construct a new 427m² office at the Pretoria National Botanical Garden. The proposed office will include 78m² of exhibition space and 136m² of office space, the building will also have a reception area with a paved walkway leading to the building.

Notice is hereby given in terms of Regulation 4(2)(a) published in Government Notice No. R. (GN R) 326 under Chapter 2 of the National Environmental Management Act (NEMA) (Act No. 107 of 1998, as amended) 2014 Environmental Impact Assessment (EIA) Regulations (as amended in 2017) that the Environmental Authorisation (EA) for the abovementioned project was issued on the 20th of June 2019 (and received by the EAP on the 25th of June 2019) - approving this project. The reasons for the decision are detailed in Annexure 1 of the EA (attached). The Environmental Authorisation can also be accessed via the SANBI website - https://www.sanbi.org/resources/documents/.

Notice of Appeal process:

In accordance with sub-regulation 4(2) of the EIA Regulations, GN R 326 dated April 2017, as well as Section 44 of the NEMA Appeal Regulations, GN R 993 dated December 2014 (attached), read together with Section 43 of NEMA as amended, all I&APs are hereby notified of the decision by the Department of Environmental Affairs (DEA) to authorise this EA and your attention is hereby drawn to the fact that an appeal may be lodged against the decision in terms of Regulation 4(1) of the NEMA Appeal Regulations (attached).

A notice of intention to appeal must be lodged with The Director of Appeals and Legal Review (DEA), within twenty (20) days of the date of notification of this decision (i.e. on or before the 19th of July 2019). A notice of intention to appeal must be submitted to the appeal administrator and copied to the Environmental Consultant representative (Mr Roberto Almanza – r.almanza@cesnet.co.za).
The original appeal must be couriered or hand delivered to the following address:

<table>
<thead>
<tr>
<th>Department</th>
<th>DEA Appeals and Legal Review</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attention</td>
<td>The Director: Appeals and Legal Review</td>
</tr>
<tr>
<td>Street Address</td>
<td>Environment House, 473 Steve Biko Road, Arcadia, Pretoria, 0083</td>
</tr>
<tr>
<td>Postal address</td>
<td>Private Bag X447, Pretoria, 0001</td>
</tr>
<tr>
<td>Email</td>
<td><a href="mailto:appealsdirectorate@environment.gov.za">appealsdirectorate@environment.gov.za</a></td>
</tr>
</tbody>
</table>

For further information please do not hesitate to contact the Environmental Consultant:
Mr Roberto Almanza, 36 Pickering St, Newton Park, Port Elizabeth, 6045
Tel: 041 393 0700, Email: r.almanza@cesnet.co.za

Kind regards
Roberto Almanza
Environmental Consultant
CES - Environmental and Social Advisory Services
Tel: +27 (0) 41 393 0700
E-mail: r.almanza@cesnet.co.za
Mr Christopher Willis
South African National Biodiversity Institute (SANBI)
Private Bag X101
SILVERTON
0184

Telephone number: (012) 843 5000
E-mail address: C.Willis@sanbi.org.za

PER E-MAIL/ MAIL

Dear Mr Willis

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: GNR. 982/985 AS AMENDED, FOR THE DEVELOPMENT OF THE SOUTH AFRICAN NATIONAL BIODIVERSITY INSTITUTE (SANBI) OFFICE AND EXHIBITION CENTRE SITUATED WITH CITY OF TSHWANE METROPOLITAN MUNICIPALITY IN GAUTENG PROVINCE.

With reference to the above application, please be advised that the Department has decided to grant an environmental authorisation. The Environmental Authorisation (EA) and reasons for the decision are attached herewith.

In terms of Regulation 4(2) of the National Environmental Management Act: the Environmental Impact Assessment Regulations, 2014, as amended (the EIA Regulations), you are instructed to notify all registered interested and affected parties, in writing within 14 (fourteen) days of the date of this EA, of the Department's decision as well as the provisions regarding the submission of appeals that are contained in the Regulations.

In terms of the Promotion of Administrative Justice Act, 2000 (Act No 3 of 2000), you are entitled to the right to fair, lawful and reasonable administrative action; and to written reasons for administrative action that affects you negatively. Further your attention is drawn to the provisions of the Protection of Personal Information Act, 2013 (Act no. 4 of 2013) which stipulates that the Department should conduct itself in a responsible manner when collecting, processing, storing and sharing an individual or another entity’s personal information by holding the Department accountable should the Department abuse or compromise your personal information in any way.


Should any person wish to lodge an appeal against this decision, he/she must submit the appeal to the appeal administrator, and a copy of the appeal to the applicant, any registered interested and affected party, and any
organ of state with interest in the matter within 20 days from the date that the notification of the decision was sent to the registered interested and affected parties by the applicant; or the date that the notification of the decision was sent to the applicant by the Department, whichever is applicable.

Appeals must be submitted in writing in the prescribed form to:

Director: Appeals and Legal Review of this Department at the below mentioned addresses.

By e-mail: appealsdirectorate@environment.gov.za;

By hand: Environment House
473 Steve Biko Street
Arcadia
Pretoria
0083; or

By post: Private Bag X447
Pretoria
0001

Please note that in terms of Section 43(7) of the NEMA, the lodging of an appeal will suspend the environmental authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged, you may not commence with any activity authorised in the EA until such time that the appeal is finalised.

To obtain the prescribed appeal form and for guidance on the submission of appeals, please visit the Department’s website at https://www.environment.gov.za/documents/forms#legal_authorisations or request a copy of the documents at appealsdirectorate@environment.gov.za.

Yours faithfully

Ms Sibusisiwe Hlela
Acting Chief Director: Integrated Environmental Authorisations
Department of Environmental Affairs
Date: 20 June 2019

<table>
<thead>
<tr>
<th>cc:</th>
<th>Coastal &amp; Environmental Services</th>
<th>E-mail: <a href="mailto:r.almanza@cesnet.co.za">r.almanza@cesnet.co.za</a></th>
</tr>
</thead>
<tbody>
<tr>
<td>Dr Anthony Avis</td>
<td>GDARD</td>
<td>E-mail: <a href="mailto:loyiso.mkwana@gauteng.gov.za">loyiso.mkwana@gauteng.gov.za</a></td>
</tr>
<tr>
<td>Mr Loyiso Mkwana</td>
<td>City of Tshwane Metropolitan Municipality</td>
<td>E-mail: <a href="mailto:citymanager@tshwane.gov.za">citymanager@tshwane.gov.za</a></td>
</tr>
</tbody>
</table>
Environmental Authorisation

In terms of Regulation 25 of the Environmental Impact Assessment Regulations, 2014, as amended.

The development of the South African National Biodiversity Institute (SANBI) office and exhibition centre situated within the City of Tshwane Metropolitan Municipality in Gauteng Province.

City of Tshwane Metropolitan Municipality

<table>
<thead>
<tr>
<th>Authorisation register number:</th>
<th>14/12/16/3/3/1/1989</th>
</tr>
</thead>
<tbody>
<tr>
<td>Last amended:</td>
<td>First issue</td>
</tr>
<tr>
<td>Holder of authorisation:</td>
<td>South African National Biodiversity Institute (SANBI)</td>
</tr>
<tr>
<td>Location of activity:</td>
<td>Portion 97 of the Farm Koedoespoort No. 325, Ward 46 of City of Tshwane Metropolitan Municipality, Gauteng Province</td>
</tr>
</tbody>
</table>

This authorisation does not negate the holder of the authorisation's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.
The Department is satisfied, on the basis of information available to it and subject to compliance with the conditions of this Environmental Authorisation, that the applicant should be authorised to undertake the activities specified below.

Non-compliance with a condition of this Environmental Authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, Act No. 107 of 1998, as amended and the EIA Regulations, 2014, as amended.

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

Activities authorised

By virtue of the powers conferred on it by the National Environmental Management Act, Act No. 107 of 1998, as amended and the Environmental Impact Assessment Regulations, 2014, as amended, the Department hereby authorises –

South African National Biodiversity Institute (SANBI)

(Hereafter referred to as the holder of the authorisation)

With the following contact details –

Mr. Christopher Willis
South African National Biodiversity Institute (SANBI)
Private Bag X101
SILVERTON
0184

Telephone: (012) 843 5000
E-mail: C.Willis@sanbi.org.za
To undertake the following activities (hereafter referred to as “the activity”) indicated in Listing Notice 3, as amended (GN R985, as amended):

**Activity number**

<table>
<thead>
<tr>
<th>Activity description</th>
</tr>
</thead>
<tbody>
<tr>
<td>GN R. 985 Activity 12:</td>
</tr>
<tr>
<td>“The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.”</td>
</tr>
</tbody>
</table>

**c. Gauteng**

<table>
<thead>
<tr>
<th>Activity description</th>
</tr>
</thead>
<tbody>
<tr>
<td>The proposed development will require the clearance of an area of 1000 m² of indigenous vegetation within a Critical Biodiversity Area (CBA) according to the Gauteng Conservation Plan (2000) and is currently zoned as ‘Government Open Space’ according to the Tshwane Metropolitan Municipality land zoning.</td>
</tr>
</tbody>
</table>

-as described in the Basic Assessment Report (BAR) dated April 2019 at:

**Farm Name and Portion:** Portion 97 of the Farm Koedoespoort No. 325

**21 Digit SG code:**

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T 0 J R 0 0 0 0 0 0 0 0 3 2 5 0 0 0 9 7
```

**Coordinates of the development of a new building and associated infrastructure:**

<table>
<thead>
<tr>
<th>Preferred Alternative</th>
<th>Latitude</th>
<th>Longitude</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alternative 1</td>
<td>25° 44' 22.0&quot; S</td>
<td>28° 16' 35.2&quot; E</td>
</tr>
</tbody>
</table>
for the development of the South African National Biodiversity Institute (SANBI) office and exhibition centre situated within the City of Tshwane Metropolitan Municipality in Gauteng Province, hereafter referred to as "the property".

The project will comprise of the following associated infrastructure or structures:

- The Collections Facility Hub (CFH) with a total footprint of 427m² which will be consisting of:
  - The exhibition space with a total footprint of 78m²;
  - An office space with a total footprint of 136m².
  - A steel framed structure with a corrugated roof;
  - A combination of shop fronts;
  - Brick and mortar walls, with face brick and plaster and paint finish;
  - Vinyl floor finishes to all the spaces;
  - Bathroom; and
  - Reception area.
- A paved walkway with a total footprint of 573 m²:

Conditions of this Environmental Authorisation

Scope of authorisation

1. The development of the South African National Biodiversity Institute (SANBI) office and exhibition centre situated within the City of Tshwane Metropolitan Municipality in Gauteng Province as described above is hereby approved.

2. Authorisation of the activity is subject to the conditions contained in this environmental authorisation, which form part of the environmental authorisation and are binding on the holder of the authorisation.

3. The holder of the authorisation is responsible for ensuring compliance with the conditions contained in this environmental authorisation. This includes any person acting on the holder's behalf, including but not limited to, an agent, servant, contractor, sub-contractor, employee, consultant or person rendering a service to the holder of the authorisation.

4. The activities authorised must only be carried out at the property as described above.


5. Any changes to, or deviations from, the project description set out in this environmental authorisation must be approved, in writing, by the Department before such changes or deviations may be 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 and it may be necessary for the holder of the authorisation to apply for further environmental authorisation in terms of the regulations.

6. The holder of an environmental authorisation must apply for an amendment of the environmental authorisation with the competent authority for any alienation, transfer or change of ownership rights in the property on which the activity is to take place.

7. This activity must commence within a period of five (05) years from the date of issue of this environmental authorisation. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.

8. Construction must be completed within five (05) years from the date of commencement of the activity on site.

9. Commencement with one activity listed in terms of this environmental authorisation constitutes commencement of all authorised activities.

Notification of authorisation and right to appeal

10. The holder of the authorisation must notify every registered interested and affected party, in writing and within 14 (fourteen) calendar days of the date of this environmental authorisation, of the decision to authorise the activity.

11. The notification referred to must –

   11.1. specify the date on which the authorisation was issued;

   11.2. inform the interested and affected party of the appeal procedure provided for in the National Appeal Regulations, 2014;

   11.3. advise the interested and affected party that a copy of the authorisation will be furnished on request; and

   11.4. Give the reasons of the competent authority for the decision.
Commencement of the activity

12. The authorised activity shall not commence until the period for the submission of appeals has lapsed as per the National Appeal Regulations, 2014, and no appeal has been lodged against the decision. In terms of Section 43(7), an appeal under Section 43 of the National Environmental Management Act, Act No. 107 of 1998, as amended will suspend the Environmental Authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged you may not commence with the activity until such time that the appeal has been finalised.

Management of the activity

13. The Environmental Management Programme (EMPr) submitted as part of the Application for EA is hereby approved. This EMPr must be implemented and strictly adhered to.

Frequency and process of updating the EMPr

14. The EMPr must be updated where the findings of the environmental audit reports, contemplated in Condition 23 below, indicate insufficient mitigation of environmental impacts associated with the undertaking of the activity, or insufficient levels of compliance with the environmental authorisation or EMPr.

15. The updated EMPr must contain recommendations to rectify the shortcomings identified in the environmental audit report.

16. The updated EMPr must be submitted to the Department for approval together with the environmental audit report, as per Regulation 34 of GN R. 982. The updated EMPr must have been subjected to a public participation process, which process has been agreed to by the Department, prior to submission of the updated EMPr to the Department for approval.

17. In assessing whether to grant approval of an EMPr which has been updated as a result of an audit, the Department will consider the processes prescribed in Regulation 35 of GN R.982. Prior to approving an amended EMPr, the Department may request such amendments to the EMPr as it deems appropriate to ensure that the EMPr sufficiently provides for avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity.

18. The holder of the authorisation must request comments on the proposed amendments to the impact management outcomes of the EMPr or amendments to the closure objectives of the closure plan from
potentially interested and affected parties, including the competent authority, by using any of the methods provided for in the Act for a period of at least 30 days.

Monitoring

19. The holder of the authorisation must appoint an experienced independent Environmental Control Officer (ECO) for the construction phase of the development that will have the responsibility to ensure that the mitigation/rehabilitation measures and recommendations referred to in this environmental authorisation are implemented and to ensure compliance with the provisions of the approved EMPr.

19.1. The ECO must be appointed before commencement of any authorised activities.

19.2. Once appointed, the name and contact details of the ECO must be submitted to the Director: Compliance Monitoring of the Department.

19.3. The ECO must keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.

19.4. The ECO must remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the site is ready for operation.

Recording and reporting to the Department

20. All documentation e.g. audit/monitoring/compliance reports and notifications, required to be submitted to the Department in terms of this environmental authorisation, must be submitted to the Director: Compliance Monitoring of the Department at Directorcompliance@environment.gov.za.

21. The holder of the environmental authorisation must, for the period during which the environmental authorisation and EMPr remain valid, ensure that project compliance with the conditions of the environmental authorisation and the EMPr are audited, and that the audit reports are submitted to the Director: Compliance Monitoring of the Department at Directorcompliance@environment.gov.za.

22. The frequency of auditing and of submission of the environmental audit reports must be as per the frequency indicated in the approved EMPr, taking into account the processes for such auditing as prescribed in Regulation 34 of GN R. 982 of 04 December 2014, as amended.

23. The holder of the authorisation must, in addition, submit an environmental audit reports to the Department within 30 days of completion of the construction phase (i.e. within 30 days of site handover) and a final environmental audit report within 30 days of completion of rehabilitation activities.

24. The environmental audit reports must be compiled in accordance with Appendix 7 of the EIA Regulations, 2014, as amended, and must indicate the date of the audit, the name of the auditor and the outcome of
the audit in terms of compliance with the Environmental Authorisation conditions as well as the requirements of the approved EMPr.

25. Records relating to monitoring and auditing must be kept on site and made available for inspection to any relevant and Competent Authority in respect of this development.

Notification to authorities

26. A written notification of commencement must be given to the Department no later than fourteen (14) days prior to the commencement of the activity. Commencement for the purposes of this condition includes site preparation. The notice must include a date on which it is anticipated that the activity will commence, as well as a reference number.

Operation of the activity

27. A written notification of operation must be given to the Department no later than fourteen (14) days prior to the commencement of the activity’s operational phase.

Site closure and decommissioning

28. Should the activity ever cease or become redundant, the holder of the authorisation must undertake the required actions as prescribed by legislation at the time and comply with all relevant legal requirements administered by any relevant and competent authority at that time.

Specific conditions

29. No activities will be allowed to encroach into a water resource without a water use authorisation being in place from the Department of Water and Sanitation.

30. Any spillage of any hazardous materials including diesel that may occur during construction and operation must be reported immediately to the Department of Water and Sanitation.

31. Watercourses outside the approved footprint/layout must be treated as "no-go" areas and demarcated as such. No vehicles, machinery, personnel, construction material, fuel, oil, bitumen or waste must be allowed into these areas without the express permission of and supervision by the ECO, except for rehabilitation work in these areas.
32. Before the clearing of the site, the appropriate permits must be obtained from the Department of Agriculture, Forestry and Fisheries (DAFF) for the removal of plants listed in the National Forest Act and from the relevant provincial department for the destruction of species protected in terms of the specific provincial legislation. Copies of the permits must be kept on site by the ECO.

33. Vegetation clearing must be limited to the required footprint for actual construction works and operational activities.

34. Large trees must be retained as much as possible as they serve as potential roosting and breeding habitat for a variety of birds, including raptors.

35. Disturbed areas must be rehabilitated as soon as possible after construction with local indigenous plants to enhance the conservation of existing natural vegetation on site.

36. Mitigation measures must be implemented to reduce the risk of erosion and the invasion of alien species.

37. Should any archaeological sites, artefacts, paleontological fossils or graves be exposed during construction, work in the immediate vicinity of the find must be stopped, South African Heritage Resources Agency Archaeological, Palaeontology and Meteorites Unit (SAHRA APM) and SAHRA Burial Grounds and Graves (BGG) Unit must be informed and the services of an accredited heritage professional obtained for an assessment of the heritage resources to be made.

38. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling, re-use and disposal where appropriate.

39. Any solid waste, which will not be recycled, must be disposed of at a landfill licensed in terms of section 20 (b) of the National Environment Management Waste Act, 2008 (Act No. 59 of 2008). No waste material may be left on site after construction.

40. The recommendations of the EAP in the final BAR dated April 2019 and the specialist studies attached must be adhered to. In the event of any conflicting mitigation measures and conditions of the Environmental Authorisation, the specific condition of this Environmental Authorisation will take preference.

General

41. A copy of this Environmental Authorisation, the audit and compliance monitoring reports, and the approved EMP, must be made available for inspection and copying:

41.1. At the site of the authorised activity;

41.2. To anyone on request; and
41.3. Where the holder of the Environmental Authorisation has a website, on such publicly accessible website.

42. National government, provincial government, local authorities or committees appointed in terms of the conditions of this authorisation or any other public authority shall not be held responsible for any damages or losses suffered by the holder of the authorisation or his/her 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 holder of the authorisation with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

Date of environmental authorisation: 20 JUNE 2019

Ms Sibusisiwe Hlela
Acting Chief Director: Integrated Environmental Authorisations
Department of Environmental Affairs
Annexure 1: Reasons for Decision

1. Information considered in making the decision

In reaching its decision, the Department took, inter alia, the following into consideration -
   a) The listed activities as applied for in the application form received on 30 January 2019.
   b) The listed activities as applied for in the amended application form received on 03 May 2019.
   c) The information contained in the draft BAR received on 30 January 2019.
   d) The information contained in the final BAR received on 03 May 2019.
   e) The comments received from the Department of Environmental Affairs: Biodiversity Conservation as included in the final BAR dated April 2019.
   f) Mitigation measures as proposed in the draft EMPr and the final BAR dated April 2019.
   g) The information contained in the specialist studies contained within the appendices of the final BAR dated April 2019.
   h) The objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of the National Environmental Management Act, Act No.107 of 1998, as amended.

2. Key factors considered in making the decision

All information presented to the Department was taken into account in the Department’s consideration of the application. A summary of the issues which, in the Department’s view, were of the most significance is set out below.
   a) Compliance with the requirements of GN R 982 and Regulation 19 of the EIA Regulations 2014, as amended.
   b) The findings of all the specialist studies conducted and their recommended mitigation measures.
   c) The motivation for the need and desirability of the development which aims to:
      - Improve education and training;
      - Create jobs and livelihoods; and
      - Expand infrastructure.
   d) The findings of the site visit held by the Department of Environmental Affairs: Biodiversity Conservation and the Chief Directorate: Integrated Environmental Authorisations; Aurecon and Coastal & Environmental Services on 15 February 2019.
e) The final BAR dated April 2019 identified all legislations and guidelines that have been considered in the preparation of the final BAR.

f) The methodology used in assessing the potential impacts identified in the final BAR dated April 2019 and the specialist studies have been adequately indicated.

g) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations, 2014, as amended, for public involvement.

3. Findings

After consideration of the information and factors listed above, the Department made the following findings

a) This application fully complies with the requirements of GN R 982 and Regulation 19 of the EIA Regulations 2014, as amended.

b) The identification and assessment of impacts are detailed in the final BAR dated April 2019 and sufficient assessment of the key identified issues and impacts have been completed.

c) The procedure followed for impact assessment is adequate for the decision-making process.

d) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.

e) The information contained in the final BAR dated April 2019 is deemed to be accurate and credible.

f) EMPr measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the final BAR dated April 2019 and will be implemented to manage the identified environmental impacts during the construction phase.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the Environmental Authorisation, the authorised activities will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act, Act No. 107 of 1998, as amended, and that any potentially detrimental environmental impacts resulting from the authorised activities can be mitigated to acceptable levels. The Environmental Authorisation is accordingly granted.
Ms. Sibusisiwe Hlela
Director: IEM Capacity and Support

Dear Ms. Hlela

APPOINTMENT AS ACTING CHIEF DIRECTOR: INTEGRATED ENVIRONMENTAL AUTHORISATIONS FOR THE PERIOD 18 JUNE 2019 UNTIL 22 JUNE 2019 WHILST MR. SABEO MALAZA WILL BE ON ANNUAL LEAVE

I hereby inform you that I have decided to appoint you as the Acting Chief Director: integrated environmental authorisations for the period 18 June 2019 until 22 June 2019 whilst Mr. Sabelo Malaza will be on annual leave.

All the correspondence and other documents that are usually signed by the Chief Director: integrated environmental authorisations must be signed under Acting Chief Director: integrated environmental authorisations during the above-mentioned period.

Your appointment in the above acting position remains subject to the provisions of the Public Service Act, 1994 (Proclamation No. 103 of 1994), as amended, the Government Employees Pension Fund Act, 1996 (Proclamation No. 21 of 1996), the regulations promulgated under these Acts and relevant circulars.

In the execution of your duties and the exercising of the powers delegated to you, you will furthermore be subjected to the provisions of the Public Finance Management Act, compliance with the Promotion of Access to Information Act, Promotion of Administrative Justice Act, the Minimum Information Security Standard, Departmental Policies and other applicable legislations with the Republic of South Africa. You are therefore advised to make yourself familiar with the provisions of this legislations and policies and the amendments thereof. (Copies of Departmental policies can be obtained from the Human Resource Office).

Please accept my heartfelt gratitude for all your assistance on behalf of the department.

Yours sincerely,

Mr. Thaama Abader
DDG: LACE

Date: 07/06/2019

ACKNOWLEDGEMENT

I ACCEPT / DO NOT ACCEPT appointment as Acting Chief Director: integrated environmental authorisations
Signed: ______________________
Date: 10 June 2019
I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby make the regulations pertaining to the processing, consideration of, and decision on appeals, under section 44(1)(a) read with section 43(4) of the National Environmental Management Act, 1998 (Act No. 107 of 1998), as set out in the Schedule hereto.

BOMO EDITH EDNA MOLEWA
MINISTER OF ENVIRONMENTAL AFFAIRS
SCHEDULE

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6. Appeal panel
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Annexure 1: Regulations Repealed
CHAPTER 1

INTERPRETATION AND PURPOSE OF REGULATIONS

Interpretation

1. (1) In these Regulations any word or expression 'o which a meaning has been assigned in the Act, and unless the context requires otherwise—

“appeal administrator” means a holder of an office in the Department or Provincial Department responsible for environmental affairs who administers the appeal on behalf of the appeal authority;

“appeal authority” is the Minister, the MEC or a person delegated the power to decide on appeals by the Minister or MEC, as the case may be;

“appellant” means any person who is entitled to submit an appeal in terms of the legislation referred to in regulation 3(1) of these Regulations;

“decision-maker” means an official who has been delegated the authority to make a decision in terms of the laws referred to in regulation 3(1) of these Regulations;

“applicant” means a person to whom a decision has been issued in terms of the Act or specific environmental management Act;

“independent”, in relation to a person appointed as a member of an appeal panel or a person providing an appeal authority with expert advice as contemplated in regulation 6 of these Regulations, 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; and

(b) that there are no circumstances that may compromise the objectivity of that person in performing such work;


(2) When a period of days must be reckoned in terms of these 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 of 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.
Purpose of Regulations

2. The purpose of these Regulations is to regulate the procedure contemplated in section 43(4) of the Act relating to the submission, processing and consideration of a decision on an appeal.

Application of Regulations

3. (1) These Regulations are applicable to an appeal in terms of section 43 of the Act to the Minister or MEC against a decision taken in terms of the:

(a) Environment Conservation Act, 1989 (Act No. 73 of 1989);

(b) National Environmental Management Act, 1998 (Act No. 107 of 1998);

(c) National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004);

(d) National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004); or

(e) National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008);

and subordinate legislation made in terms of any of these Acts.

(2) No appeal is available if the Minister or MEC took the decision himself or herself in his or her capacity as the competent authority, issuing authority or licensing authority.

(3) An appeal against a decision by an official or municipal manager acting under delegated authority from a metropolitan, district or local municipality must be submitted, processed and considered in terms of section 62 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000).

CHAPTER 2

ADMINISTRATION AND PROCESSING OF APPEALS

Appeal submission

4. (1) An appellant must submit the appeal to the appeal administrator, and a copy of the appeal to the applicant, any registered interested and affected party and any organ of state with interest in the matter within 20 days from:
(a) the date that the notification of the decision for an application for an environmental authorisation or a waste management licence was sent to the registered interested and affected parties by the applicant; or

(b) the date that the notification of the decision was sent to the applicant by the competent authority, issuing authority or licensing authority, in the case of decisions other than those referred to in paragraph (a).

(2) An appeal submission must be—

(a) submitted in writing in the form obtainable from the appeal administrator; and

(b) accompanied by—

(i) a statement setting out the grounds of appeal;

(ii) supporting documentation which is referred to in the appeal submission; and

(iii) a statement, including supporting documentation, by the appellant to confirm compliance with regulation 4(1) of these Regulations.

Responding statement

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

Appeal panel

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

(2) The appeal panel contemplated in subregulation (1) may consist of such number of independent experts and with such expertise as the Appeal Authority may deem necessary under the circumstances;

(3) The expert or appeal panel must provide advice to the appeal administrator within 10 days from the receipt of an instruction from the appeal administrator.
Recommendations and decisions on appeals

7. (1) The appeal administrator must make a recommendation on the appeal to the appeal authority within 30 days of receipt of the responding statement referred to in regulation 5 of these Regulations, in the event that an independent expert has not been sourced or an independent appeal panel has not been constituted.

(2) The appeal administrator must make a recommendation on the appeal to the appeal authority within 10 days of receipt of the advice referred to in regulation 6(2) of these Regulations, in the event that an independent expert has been sourced or an independent appeal panel has been constituted.

(3) The appeal authority must reach a decision on an appeal, and notify the appellant, applicant, and any registered interested and affected party, within 20 days of the recommendation on the appeal by the appeal administrator.

(4) The decision contemplated in subregulation (3) must contain written reasons for the decision.

Communication

8. (1) A person may deliver documents in terms of these regulations by using one of the delivery methods referred to in section 47D of the Act.

(2) In order to meet the time periods determined in these regulations, the person referred to in subregulation (1), must also email, fax or hand deliver the document to the recipient, if the document is delivered by ordinary mail or registered mail.

CHAPTER 3

GENERAL MATTERS

Repeal of regulations

9. The regulations mentioned in the Table in Annexure 1 to these Regulations are hereby repealed or amended to the extent set out in the third column of the Table.
Transitional arrangements

10. (1) An appeal lodged prior to the commencement of these Regulations, and which is still pending when these Regulations takes effect, must be finalised in terms of the legislation that applied at the time when the appeal was lodged.

(2) An appeal lodged after the commencement of the Environmental Impact Assessment Regulations, 2014 must be submitted, processed and considered in terms of these Regulations.

Short title and commencement

11. These Regulations are called the National Appeal Regulations, 2014, and take effect on the date of publication in the Gazette.
ANNEXURE 1

REGULATIONS REPEALED

<table>
<thead>
<tr>
<th>Date and year of publication</th>
<th>Short title</th>
<th>Extent of repeal</th>
</tr>
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