

NOTICE 395 OF 2012**DEPARTMENT OF ENVIRONMENTAL AFFAIRS****NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998****(ACT NO. 107 OF 1998)****FEE STRUCTURE FOR CONSIDERATION AND PROCESSING OF APPLICATIONS FOR ENVIRONMENTAL AUTHORISATIONS**

I, Bomo Edith Edna Molewa, Minister of Water and Environmental Affairs, hereby give notice of my intention to, under sections 24(5)(c) and 44, read with section 47 of the National Environmental Management Act, 1998 (Act No. 107 of 1998), prescribe the fees for the consideration and processing of applications for environmental authorisations in the Schedule hereto.

Members of the public are invited to submit to the Minister, within 30 (thirty) days after the publication of the notice in the *Gazette*, written comments or inputs to the following addresses:

By post to: Director-General
Department of Environmental Affairs
Attention: Mr N Nkotsoe
Private Bag X 477
Pretoria
0001

By hand at: 2nd Floor (Reception), Fedsure Forum Building, 315 Pretorius Street, Pretoria, 0001

By email: nnkotsoe@environment.gov.za, or

By fax to: 012 310 3688

Enquiries: Mr N Nkotsoe, tel: 012 395 1889

Comments received after the closing date may not be considered.



BOMO EDITH EDNA MOLEWA
MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS

SCHEDULE

1. Definitions

In these regulations any word or expression to which a meaning has been assigned in National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Assessment Regulations, has the meaning so assigned, unless the context indicates otherwise, and—

"days" has the meaning assigned to it in the Environmental Impact Assessment Regulations;

"Environmental Impact Assessment Regulations" means the regulations made in terms of section 24(5)(b) of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and includes the amendments thereto;

"the Act" means the National Environmental Management Act, 1998 (Act No. 107 of 1998);

"proof of payment" includes a receipt, a stamped deposit slip, electronic fund transfer copy or a payment advice.

2. Purpose and application of regulations

The purpose of these regulations are to prescribe the fee to be paid for the consideration and processing of an application for an environmental authorisation applied for in terms of section 24, section 24L of the Act, or an application for an amendment of such environmental authorisation, and exclude an application—

- (a) for wetland rehabilitation;
- (b) for a community based project funded by a government grant;
- (c) made by an organ of state.

3. Applicable Fee

The fees applicable for the various applications for environmental authorisations are as indicated in the Appendix hereto.

4. Payment

- (1) The applicant must pay the applicable fee indicated in the Appendix on or before the date of the submission of the application form to the competent authority.
- (2) The applicant must attach proof of payment to the application form submitted to the competent authority.
- (3) Where an applicant is not required to pay a fee, the applicant must inform the competent authority in writing and attach proof thereof or a motivation to the application form.
- (4) In the instance where an application is rejected, withdrawn or where an application has lapsed, the fee will not be refunded.
- (5) Except where an application has been rejected, amended and re-submitted, a re-submission of an application referred to in subregulation (4) will be considered as the submission of a new application and will require the payment of the relevant fee indicated in the Appendix.
- (6) Where an application for a licence for which a basic assessment is required, is lodged, and it later transpires that the application requires scoping and an environmental impact assessment, the balance of the fee must be paid by the applicant within 14 days from the date that the applicant has been informed by the competent authority thereof, otherwise it will be deemed that the applicant has withdrawn the application.
- (7) Payment may be made only by electronic transfer or a deposit into the bank account of the relevant competent authority as indicated on the application form.
- (8) The fees contained in these regulations will be charged per environmental authorisation applied for and not per listed activity triggered.

- (9) The application fee will apply regardless of whether the applicant is a natural person or juristic person.

5. Adjustment

The prescribed fees contained in the Appendix will be adjusted on an annual basis in line with the Public Finance Management Act, 1999.

6. Commencement date

The fee structure for the consideration and processing of applications for environmental authorisations will come into operation on 1 July 2012.

APPENDIX

Environmental Authorisation applied for	Fee
Applications for an environmental authorisation for which a basic assessment report is required	R2 000-00
Application for an environmental authorisation, for which a scoping and an environmental impact assessment reports are required	R10 000-00
Where applications for an environmental authorisation and a waste management licence must be submitted for the same development proposal, in terms of both the National Environmental Management Act, 1998 and the National Environmental Management: Waste Act,	<p>(a) 100% of the most expensive application, namely, R10 000-00 (Ten Thousand Rand) if the Scoping and Environmental Impact Assessment Report is triggered and R2 000-00 (Two Thousand Rand) if the basic assessment is triggered;</p> <p>(b) 50% the other application, namely, R5 000-</p>

2008, and the same competent authority is the competent authority for the applications, the following fees will apply. (section 24L applications)	00 (Five Thousand Rand) if the Scoping and Environmental Impact Assessment Report is triggered or R1 000-00 (One Thousand Rand) if the basic assessment is triggered.
Amendment of an environmental authorisation.	R2 000