
CALL FOR EXPRESSION OF INTEREST FOR THE OUTSOURCING OF THE DESIGN, DEVELOPMENT AND IMPLEMENTATION OF AN ONLINE COORDINATED AND INTEGRATED PERMITTING SYSTEM. THE IMPLEMENTATION MUST BE FOLLOWED BY POST-IMPLEMENTATION SUPPORT FOR A PERIOD OF THREE YEARS

PART ONE

BACKGROUND AND PROBLEM DOMAIN
A. The Department of Environmental Affairs (DEA) is, among others, the national department responsible for the development, implementation and enforcement of the regulatory framework for environmental management, including the implementation of the National Environmental Management Act (NEMA) and other pieces of legislation as listed in Annexure A.

B. In this regard, one tool used for the regulation and management of environmental matters is the traditional tool that takes the form of permits, licenses, certificates and/or other forms of authorisation issued by the relevant authorities such as the DEA, provincial and local authorities.

C. In some instances integrated permits are issued by the provincial authorities and in other instances powers are exercised jointly by means of provincial authorities issuing permits with the approval of the national authority.

D. The current challenges facing DEA and its partners with regards to the management of permitting functions are as follows:
a. The interpretation of the regulations and the implementation of permit management systems differ across the provinces and reporting in terms of the issuance of permits is extremely problematic.

b. The independent nature of each province's legislature results in non-alignment among the various provinces and DEA in terms environmental legislation.

c. In the absence of proper coordination and integration among related permitting processes, there is an increased risk of duplication of functions.

d. Where multiple permitting processes share common tasks/activities, these overlaps need to be managed in a structured manner in order to avoid administrative bottlenecks, hence the requirement for coordination and integration.

e. The manual nature of the current permitting functions is prone to vulnerabilities such as inconsistency, delays, non-transparency, inaccuracy, incoherence, lack of accountability, oversight difficulties – all of which may be alleviated by the implementation of a computerised solution.

E. The DEA therefore requires assistance with the development and implementation of a Coordinated and Integrated Permit Management System (C&IPS) to monitor and improve the management, implementation, and reporting of all environment related regulatory provisions.

STRATEGIC OBJECTIVE

The strategic objective of the Department is to improve the management of all processes relating to permits/authorisations/licenses. The first area of focus is improved management of Regulated Entities, i.e. the entities that require formal authorisations to carry out regulated activities, which
incorporates Registration (Regulated Entity Details, Regulated Entity Type), Profile Updates, Application Tracking, Permit Portfolio Management (permits pending, held and expired).

The second area of focus is to improve the management of a Comprehensive Permit Management Lifecycle; which covers Online Application, Online Payment (tracking and control, reconciliation, tariff management), Authorisation/Approval, Issuing, Automated Notifications (email, SMS, fax throughout lifecycle), Automated Alerts (upon receipt of applications for previous non-compliance with Permit Conditions and other previous transgressions), Amendments, Renewal, Cancellation, Compliance Monitoring (including online remote verification and inspection management), Enforcement/Case Management (offences, offenders, non-compliance), Non-repudiation (presentable in a court of law), Governance in terms of control measures and provisions (thresholds), Management of recommendations (from governing authorities) and supporting documentation, International Trade Management (Transactions).

1. REQUEST FOR EXPRESSION OF INTEREST (EOI)

1.1. The objective of this EOI is to appoint a suitable independent service provider/s that can support DEA with the development and implementation of an Online Coordinated and Integrated Permitting System. The implementation should be followed by post-implementation support for a period of three years.

2. SCOPE AND EXTENT OF WORK

2.1. The role of the Service Provider/s is to assist the Department of Environmental Affairs with the development and implementation of an Online Coordinated and Integrated Permitting System. The
implementation must be followed by post-implementation support for a period of three years.

2.2. The appointed service provider/s will undertake the following, in accordance with the Systems Development Lifecycle (SDLC):

2.2.1. Compile comprehensive Project Management documentation according to PRINCE2 or PMBOK to ensure the successful delivery of this project;

2.2.2. Define and compile a Scope Statement for the Online C&IPS. (The Scope Statement is an itemized inventory of all the business/functional requirements to be included in the scope of the project. It will also explicitly state which requirements are to be excluded from the scope of this project);

2.2.3. Conduct thorough and detailed requirements elicitation/gathering. (To be conducted through standard elicitation methods which include, but not limited to, Interviews, Questionnaires, Observation, Joint Application Development sessions, etc.);

2.2.4. Conduct thorough and detailed Requirements analysis;

2.2.5. Compile a comprehensive Business Requirements Specification;

2.2.6. Compile a comprehensive Functional Requirements Specification;

2.2.7. Compile a comprehensive Technical Design Specification;

2.2.8. Compile a comprehensive Conceptual Design (graphic representation of all system related components such as software, hardware, networks, actors/users and functions) accompanied by a comprehensive project charter and project schedule for the development of the system;
2.2.9. Develop the Online C&IPS to accommodate all Departmental Permitting needs and features as listed in Annexure A and Annexure B;

2.2.10. Implement the Online C&IPS, subsequent to conducting thorough User Acceptance Testing;

2.2.11. Provide Test Packs, User Manuals and Administration Manuals;

2.2.12. Train the Department's trainers, up to a maximum of 10 trainers;

2.2.13. Facilitate Change Management to ensure successful adoption of the system by all users;

2.2.14. Provide post-implementation support for three years;

2.2.15. The service provider/s shall submit a preliminary budget containing the hours and amount to be spent on each case, before work can commence.

2.3. Companies may be invited to give presentation as and when required.

3. TIMING OF ASSIGNMENT

3.1. All work is to be carried out in accordance with the time schedule as agreed with the Programme manager.

4. PERFORMANCE MEASURES

4.1. The performance measures for the delivery of the development and implementation of an Online Coordinated and Integrated Permitting System and post-implementation support for a period of three years will be closely monitored by DEA.

5. REPORTING
5.1. The Service Provider/s will submit monthly and quarterly progress reports to the Programme manager, within 4 days after the end of each month and quarter for the duration of the project.

5.2. Failure to submit the required reports on time will result in penalties.

6. MONITORING PROGRESS ON ASSIGNMENTS
6.1. The Programme Manager shall do the ongoing management of the Service Agreement.

7. CONTINUITY AND PROFILE OF SENIOR STAFF ON THE PROJECT
7.1. The Service Provider/s must guarantee the presence of the senior in charge of fieldwork throughout the duration of the contract. Prior to the appointment of a replacement, the Programme Manager must approve such appointment. If the senior has to leave the project, a period of at least a month is required in which the senior must work parallel with the next person (senior consultant with similar expertise and equal years of experience) appointed to be able to transfer skills and knowledge.

8. CONDITIONS OF EOI
8.1 The proposal should include, amongst other, the following:
8.1.1. A proposed plan of action.
8.1.2. A list of references;
8.1.3. Ability to ensure continuity of staff on the project.
8.1.4. A briefing session will be held on 12/10/2012 at 315 Pretorius Street, Fedsure Forum Building, Pretoria – 10h00 (report at reception on 2nd floor North Tower for venue details).
SPECIAL CONDITIONS

8.3 The Curriculum Vitae of the staff who will be available for the duration of the work must be attached; NOTE: Failure to submit the CV's will invalidate your proposal. (Removed)

8.4 The proposals should be submitted with all required information containing technical information as well as indicative price information.

8.5 Only service providers who propose solutions based on enterprise level technology architecture recognized by leading ICT market research companies such as Gartner or Forrester will be considered. Please provide supporting evidence. NOTE: Failure to submit the evidence will invalidate your proposal.

8.6 The proposed solution should be supportable through a multiple vendor partnership model, and not bind DEA to a single service provider perpetually. Evidence of this support model must be provided. NOTE: Failure to submit the evidence will invalidate your proposal.

8.7 Only service providers who score at least (specify 75% or 75 points) for the technical information will be short listed.

8.8 DEA reserves the right to invite short listed suppliers/companies to present their proposals for final decision.

8.9 Service providers must be prepared to work at rates not exceeding those prescribed by the office of the Auditor General or the Department of Public Service and Administration (DPSA).

(Removed)

9 ADDITIONAL INFORMATION ON PROPOSAL

9.1 The supplier / service provider should provide details of staff training, highlighting training and development policies and procedures, with specific reference to affirmative action policies and initiatives.
9.2 A breakdown of the hourly tariff inclusive of value-added tax for services rendered. Expenditure incurred without the prior approval of the Programme manager will not be reimbursed.

9.3 DEA will not be held responsible for any costs incurred by the service provider in the preparation, presentation and submission of the proposals.

9.4 Please take note that DEA is not bound to select any of the firms submitting proposals.

10 FURTHER INFORMATION

10.1 Should you require any further information in this regard, please do not hesitate to contact:
Name: Thulani Mafalala
Office Telephone No: 012 310 3376/3716
Cellular Telephone No: 079 494 4601
Email: tmafalala@environment.gov.za

11 INFORMATION REQUIRED

11.1 The evaluation of Proposals can only be done on the basis of information required by the department. The comprehensiveness of the proposal can therefore be decisive in the awarding thereof.

12 PAYMENT TERMS

12.1 DEA undertakes to payout in full within 30 (thirty) days all valid claims for work done to its satisfaction upon presentation of a substantiated claim and the required reports stipulated in paragraph 5. No payment will be made where there is outstanding information/work not submitted by the Service Provider/s until that outstanding information is submitted.
13 EVALUATION CRITERIA

13.1 All proposals submitted will be evaluated in accordance with the evaluation criteria should be as follows:

Values: 1 = Poor; 2 = Average; 3 = Good; 4 = Very Good; 5 = Excellent

14 Total points scored by service provider for functionality will be out of 100
15 Maximum Potential Score 500

<table>
<thead>
<tr>
<th>No.</th>
<th>Category</th>
<th>Weight</th>
<th>Score</th>
<th>Total (Weight Value awarded)</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>FUNCTIONALITY (To be determine by project managers in line with scope of work)</td>
<td>100</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td>Service provider understands the brief (as per Annexures A &amp; B) and the methodology to be employed.</td>
<td>15</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>Capability (number of project team members to handle the project/ experience and educational background of the personnel proposed - submit names and the CV).</td>
<td>25</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>A proposed plan of action to achieve the objectives should be submitted for evaluation.</td>
<td>10</td>
<td></td>
<td></td>
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<tr>
<td>4.</td>
<td>The experience in the fields of Enterprise Level Systems Development with respect to</td>
<td>25</td>
<td></td>
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</tbody>
</table>
Annexure B includes both the public sector and the private sector.

5. Alignment of proposed solution to the requirements in Annexure B. Supporting evidence must be provided and easily referenced.

25

IN EVALUATING THE TECHNICAL INFORMATION CONTAINED IN THE PROPOSAL, THE EVALUATION COMMITTEE WILL BE GUIDED BY THE FOLLOWING:

- Service provider’s understanding of the brief – The proposal provides a clear indication that the service provider fully understands the purpose and scope of the work and the service providers' own roles and functions in this regard.

- Capability and experience – The proposal provides a clear indication that the service provider’s team comprises people with the necessary experience, skills, qualifications, knowledge and skills required to ensure the efficient and effective generation of the required deliverables to the highest standards of quality.

- Track Record – The proposal provides clear information on previous, relevant projects that confirm that the service provider has the required experience and success track record in the area of general project management and management related projects.

- Quality of the Proposal – The proposal is structured, laid-out, formatted and organised in such a way that the evaluation committee is easily able to access the proposal in accordance with the evaluation criteria and is provided with an insight into the quality of deliverables that may be expected from the service provider if successful.
Annexure A

DEA Permit/Authorisation/License Types

<table>
<thead>
<tr>
<th>Biodiversity &amp; Conservation</th>
<th>Bio-prospecting Access and Benefits Sharing (BABS)</th>
<th>Threatened or Protected Species (TOPS)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• National Environmental Management:</td>
<td>• National Environmental Management:</td>
</tr>
<tr>
<td></td>
<td>Regulations - BABS</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Yes</td>
<td>No</td>
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<tr>
<td></td>
<td>Yes – integrated with provincial legislation</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(The Act allows for integrated permits to be</td>
<td></td>
</tr>
<tr>
<td></td>
<td>issued – Integrated with</td>
<td></td>
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<td></td>
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<td></td>
</tr>
</tbody>
</table>
| Alien and Listed Invasive Species (AIS) | • Threatened or Protected Species regulations  
• Norms and standards promulgated in terms of Section 9 of NEMBA  
Prohibitions in terms of Section 57(2) | Yes – integrated with provincial legislation (The Act allows for integrated permits to be issued – integrated with provincial permits; NOT national authorisations. | provincial permits; NOT national authorisations. |
Alien and Invasive Species regulations | No | No |
<table>
<thead>
<tr>
<th>Trade in Endangered Species of Wild Fauna and Flora (CITES)</th>
<th>Management:</th>
<th>Oceans &amp; Coasts</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Biodiversity Act, 2004</td>
<td>4x4 beach driving permits (now called ORV permits)</td>
</tr>
<tr>
<td></td>
<td>(Act No 10 of 2004)</td>
<td>Environmental</td>
</tr>
<tr>
<td></td>
<td>• CITES regulations</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>• Requirements in terms of the Convention and its Resolutions (50+ resolutions)</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>CITES electronic permitting toolkit - international trade.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Yes</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Yes
| Research permits | Management Act, 107 of 1998: Control of Use of Vehicles in the Coastal Zone | Marine Living Resources Act (MLRA), and MLRA with reference to the Seabird and Seals Protection Act where appropriate | Yes | Yes |

Marine bio-prospecting research is excluded (dealt with by NEMBA) if
<table>
<thead>
<tr>
<th>Permit Type</th>
<th>Applicable Act/Section</th>
<th>Available?</th>
<th>Available?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Filming permits</td>
<td>Marine Living Resources Act</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Shark cage diving permit</td>
<td>Marine Living Resources Act</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Whale watching permit</td>
<td>Marine Living Resources Act section 13</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Dumping permits</td>
<td>ICM Act 24 of 2008. Dumping at Sea Control Act 73 of 1980</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Coastal waters discharge permits</td>
<td>This is a new permit to the department and processes have not been put in place as yet</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Activity</td>
<td>Relevant Act/Regulation</td>
<td>Yes/No</td>
<td></td>
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<td>-------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------------------</td>
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<td></td>
</tr>
<tr>
<td>Shell grit permits</td>
<td>Marine Living Resources Act (MLRA) Section 38</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Sea Bird and Seal Permit (Relocating/removing/killing of seals and seabirds)</td>
<td>The Sea Birds and Seals Protection Act, 1973 (Act No. 46 of 1973).</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Activities in Marine Protected Area's</td>
<td>Marine Living Resources Act.</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Any other general activity within a MPA (construction, the use of jet skis, erection of shark nets)</td>
<td>Marine Living Resources Act.</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Temporary scuba diving permit booklets to operators with scuba diving businesses</td>
<td>Marine Living Resources Act.</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Activity Description</td>
<td>Relevant Legislation</td>
<td>Yes/No</td>
<td></td>
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<td>-------------------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>Carrying out a non-recreational activity which requires the use of an ORV on the coast.</td>
<td>Marine Living Resources Act (No. 18 of 1998 Reg. 6 (1) (a)) and Regulations published in terms of section 44 of the National Environmental Management Act, 107 of 1998: Control of Use of Vehicles in the Coastal Zone</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Scientific Research Permits</td>
<td>Regulation 6 (1) (b) of the Regulations published in terms of section 44 of the National Environmental Act</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Accessing private property providing there is no reasonable alternative across said property.</td>
<td>Regulations published in terms of section 44 of the National Environmental Management Act, 107 of 1998: Control of Use of Vehicles in the Coastal Zone</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Production of an advertisement, film, still</td>
<td>Regulations published in</td>
<td>Yes</td>
<td>Yes</td>
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<tr>
<td>------------------------------------------------------------------</td>
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<tr>
<td>photograph shoot or television programme that requires the use of an ORV on the coast.</td>
<td>terms of section 44 of the National Environmental Management Act, 107 of 1998: Control of Use of Vehicles in the Coastal Zone</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Access to the coast by a physically disabled person.</td>
<td>Regulation 6 (1)(f) of the Regulations published in terms of section 44 of the National Environmental Management Act, 107 of 1998: Control of Use of Vehicles in the Coastal Zone:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Carrying out an organized recreational sport fishing competition</td>
<td>Regulation 6 (1) (g) and 6 (10) (a) of the Regulations published in terms of section 44 of the National Environmental Management Act, 107 of 1998: Control of Use of Vehicles in the Coastal Zone</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Exemptions for any of the above that are granted by the Minister</td>
<td>Regulation 20 of the Regulations published in terms of section 44 of the National Environmental Management Act, 107 of 1998: Control of Use of Vehicles in the Coastal Zone</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>New permit application: Vehicle use in the coastal zone to undertake a Tourism Business</td>
<td>Regulation 6 (1) (c) of the Regulations published in terms of section 44 of the National environmental Management Act, 107 of 1998: Control of Use of Vehicles in the Coastal Zone</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Permit renewal application: Vehicle use in the coastal zone to undertake a Tourism Business</td>
<td>Regulation 6 (1) (c) of the Regulations published in terms of section 44 of the National Environmental Management Act, 107 of 1998: Control of Use of Vehicles in the Coastal Zone</td>
<td>Yes</td>
<td>Yes</td>
</tr>
</tbody>
</table>

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<tr>
<th>Climate Change &amp; Air Quality</th>
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<tr>
<th>Legal Authorisations &amp; Compliance Inspectorate</th>
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<tbody>
<tr>
<td>Environmental Impact Authorisations (EIA) - integration with existing</td>
</tr>
<tr>
<td>system required</td>
</tr>
<tr>
<td>----------------</td>
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<tr>
<td>Waste Management Licenses (WML)</td>
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</table>
Annexure B

Solution Overview

The proposed solution should cover the following business aspects:

1 Regulated Entity management
   1.1 Registration (Regulated Entity Details, Regulated Entity Type)
   1.2 Profile Updates
   1.3 Application Tracking
   1.4 Permit Portfolio Management (permits pending, held and expired)

2 Comprehensive Permit Management Lifecycle; i.e. -
   2.1 Online Application
   2.2 Online Payment (tracking and control, reconciliation, tariff management)
   2.3 Authorisation/Approval
   2.4 Issuing
   2.5 Automated Notifications (email, SMS, fax - throughout lifecycle)
   2.6 Automated Alerts (upon receipt of applications for previous non-compliance with Permit Conditions and other previous transgressions)
   2.7 Amendments
   2.8 Renewal
   2.9 Cancellation
   2.10 Compliance Monitoring (including online remote verification and inspection management)
   2.11 Enforcement/Case Management (offences, offenders, non-compliance)
   2.12 Non-repudiation (presentable in a court of law)
   2.13 Governance in terms of control measures and provisions (thresholds)
   2.14 Management of recommendations (from governing authorities) and supporting documentation
International Trade Management (Transactions)

3 Species Register
   3.1 Species Type
   3.2 Species name
   3.3 Status of the species – IUCN listing status, TOPS listed status, CITES listed status
   3.4 Population Size
   3.5 Location(s)
   3.6 Threats
   3.7 Prohibitions relating to the species

The proposed solution should cover the following functional and technical aspects (i.e. Minimum technology requirements):

4 Integration with existing system(s) and future systems
   4.1 For NEAS
      4.1.1 Receive Online applications via C&IPS and send to NEAS (where applicable)
      4.1.2 Receive approved applications from NEAS and send to C&IPS for Online Permit Issuing
   4.2 Allow integration with provincial and local authority Permitting Systems for Minister’s reporting

5 Business Process Management (BPM)
   5.1 Comply with BPM standards: Business Process Management Notation 2.0, Business Process Execution Language and Unified Modelling Language
   5.2 Business Process Engine
   5.3 Business Rules Engine
   5.4 Business Process Modelling & Simulation
   5.5 eforms/composite application studio to generate end-user interface

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5.6 Shared or unique registry/repository for BPM and SOA artefacts and services
5.7 ESB for Consumption SOA Services
5.8 Reporting Engine and studio
5.9 Business Activity Monitoring engine and studio
5.10 Administration and diagnostics tool
5.11 Business process library
5.12 Document Management & Imaging
5.13 Case/Work/Task Management User Component
5.14 Post-Execution Process Analysis
5.15 Workflow & Activity Programming
5.16 Client APIs & adapters
5.17 Collaboration
5.18 Routing and transaction management

6 Web-based architecture
  6.1 Available nationally and internationally

7 Central Secure Portal
  7.1 Public User Access
  7.2 Access by DEA Officials
  7.3 Access to all system components

8 Enterprise Level Technology Architecture
  8.1 Recognized by leading ICT market research companies such as Gartner or Forrester
  8.2 Supported through a multiple vendor partnership model

9 Compliance with Open Standards

10 Rapid Application Development Approach

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10.1 Component re-use e.g. add or remove permit processes as required by systems administrator

11 Security Architecture
11.1 Username/password/one-time PIN,
11.2 Single sign-on
11.3 Application/database level authentication,
11.4 Digitally certified transactions to support authentication and non-repudiation,
11.5 Real-time replication to Disaster Recovery Site for Business Continuity
11.6 Off-line backup support

12 Document Handling Capability
12.1 Upload and store attachments

13 Master Data Management
13.1 Permit types,
13.2 Payment methods,
13.3 Country and location codes,
13.4 Trade product codes,
13.5 Species codes

14 Data Warehousing
14.1 Across multiple data sources (internal and external to DEA)
14.2 Data export capability

15 Business Intelligence and Analytics
15.1 Dashboards
15.2 Dynamic Data Views
15.3 Data Mining
15.4 Predictive Analysis and Forecasting
15.5 Standard and Dynamic reports
16 Business Templates

17 Geographic Information System (GIS) Integration with existing Departmental GIS system (ArcGIS 10.1)
   17.1 Access to existing Geographical Data Sets
   17.2 Spatial Data Visualisation (for applicant and department)

18 Mobile Access
   18.1 Smartphones and Tablets

19 Compatibility with cloud deployment

20 Hardware Specifications
   20.1 Service providers to provide hardware specifications for proposed solution
Annexure C

COORDINATED & INTEGRATED PERMITTING SYSTEM FOR THE NATIONAL DEPARTMENT OF ENVIRONMENTAL AFFAIRS

2nd DRAFT FRAMEWORK REPORT

Prepared for:

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

environmental affairs
Department: Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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Prepared by:

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Date: October 2011
SEF Ref No. 503575

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### 1. ACRONYMS

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<th>Description</th>
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<tbody>
<tr>
<td>AEL</td>
<td>Air Emissions Licence</td>
</tr>
<tr>
<td>AIS</td>
<td>Alien Invasive Species</td>
</tr>
<tr>
<td>AP</td>
<td>Appeal Panel</td>
</tr>
<tr>
<td>App</td>
<td>Applicant</td>
</tr>
<tr>
<td>ARR</td>
<td>Appeals Response Report</td>
</tr>
<tr>
<td>AS</td>
<td>Answering Statement</td>
</tr>
<tr>
<td>AsD</td>
<td>Assistant Director</td>
</tr>
<tr>
<td>AsDA</td>
<td>Admin Assistant Director</td>
</tr>
<tr>
<td>AsDc&amp;IPS</td>
<td>Coordinated and Integrated Permitting System Assistant Director</td>
</tr>
<tr>
<td>AU</td>
<td>Appeals Unit</td>
</tr>
<tr>
<td>CA</td>
<td>Competent Authority</td>
</tr>
<tr>
<td>CD</td>
<td>Chief Director</td>
</tr>
<tr>
<td>CITES</td>
<td>Convention on International Trade in Endangered Species of Wild Fauna and Flora</td>
</tr>
<tr>
<td>D</td>
<td>Director</td>
</tr>
<tr>
<td>DEA</td>
<td>Department of Environmental Affairs</td>
</tr>
<tr>
<td>DD</td>
<td>Deputy Director</td>
</tr>
<tr>
<td>DDG</td>
<td>Deputy Director General</td>
</tr>
<tr>
<td>DG</td>
<td>Director General</td>
</tr>
<tr>
<td>DIEIR</td>
<td>Draft Integrated Environmental Impact Report</td>
</tr>
<tr>
<td>DIBAR</td>
<td>Draft Integrated Basic Assessment Report</td>
</tr>
<tr>
<td>DISR</td>
<td>Draft Integrated Scoping Report</td>
</tr>
<tr>
<td>DWA</td>
<td>Department of Water Affairs</td>
</tr>
<tr>
<td>EAP</td>
<td>Environmental Assessment Practitioner</td>
</tr>
<tr>
<td>EDMS</td>
<td>Electronic Document Management System</td>
</tr>
<tr>
<td>EIA</td>
<td>Environmental Impact Assessment</td>
</tr>
<tr>
<td>GIS</td>
<td>Geographical Information System</td>
</tr>
<tr>
<td>GMO</td>
<td>Genetically Modified Organisms</td>
</tr>
<tr>
<td>GNR</td>
<td>Government Notice Regulation</td>
</tr>
<tr>
<td>HOM</td>
<td>Head of Ministry</td>
</tr>
<tr>
<td>IBA</td>
<td>Integrated Basic Assessment</td>
</tr>
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<td>IBAR</td>
<td>Integrated Basic Assessment Report</td>
</tr>
<tr>
<td>IEA</td>
<td>Integrated Environmental Authorisation</td>
</tr>
<tr>
<td>IEIR</td>
<td>Integrated Environmental Impact Report</td>
</tr>
<tr>
<td>IEMP</td>
<td>Integrated Environmental Management Programme</td>
</tr>
<tr>
<td>IPOs</td>
<td>Integrated Plan of Study for IEIR</td>
</tr>
<tr>
<td>IS&amp;EIR</td>
<td>Integrated Scoping and Environmental Impact Reporting</td>
</tr>
<tr>
<td>ISR</td>
<td>Integrated Scoping Report</td>
</tr>
<tr>
<td>I&amp;AP</td>
<td>Interested and Affected Party</td>
</tr>
<tr>
<td>LA</td>
<td>Licensing Authority</td>
</tr>
<tr>
<td>DLRA</td>
<td>Directorate of Law Reform and Appeals</td>
</tr>
<tr>
<td>MLRA</td>
<td>Marine Living Resources Act, 1998 (Act No. 18 of 1998)</td>
</tr>
<tr>
<td>MOU</td>
<td>Memorandum of Understanding</td>
</tr>
<tr>
<td>NEAS</td>
<td>National Environmental Authorisation System</td>
</tr>
</tbody>
</table>

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<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
</tr>
</thead>
<tbody>
<tr>
<td>NEMBA</td>
<td>National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004)</td>
</tr>
<tr>
<td>O&amp;C</td>
<td>Oceans &amp; Coast</td>
</tr>
<tr>
<td>ORV</td>
<td>Off Road Vehicle</td>
</tr>
<tr>
<td>NOI</td>
<td>Notice of Intent</td>
</tr>
<tr>
<td>pAEL</td>
<td>Provisional Air Emissions Licence</td>
</tr>
<tr>
<td>PEOJ</td>
<td>Junior Principle Environmental Officer</td>
</tr>
<tr>
<td>PEOs</td>
<td>Senior Principle Environmental Officer</td>
</tr>
<tr>
<td>PP</td>
<td>Public Participation</td>
</tr>
<tr>
<td>PSC</td>
<td>Project Steering Committee</td>
</tr>
<tr>
<td>QC</td>
<td>Quality Control</td>
</tr>
<tr>
<td>ROD</td>
<td>Record of Decision</td>
</tr>
<tr>
<td>RS</td>
<td>Responding Statement</td>
</tr>
<tr>
<td>SAG</td>
<td>Specialist Advisory Group</td>
</tr>
<tr>
<td>SANBI</td>
<td>South African National Biodiversity Institute</td>
</tr>
<tr>
<td>SANParks</td>
<td>South African National Parks</td>
</tr>
<tr>
<td>SBSPA</td>
<td>Sea Birds and Seals Protection Act, 1973 (Act No. 46 of 1973)</td>
</tr>
<tr>
<td>SWOT</td>
<td>Strengths, Weaknesses, Opportunities and Threats</td>
</tr>
<tr>
<td>TFCA</td>
<td>Trans-Frontier Conservation Areas</td>
</tr>
<tr>
<td>TOPS</td>
<td>Threatened Or Protected Species</td>
</tr>
<tr>
<td>WDS</td>
<td>Waste Disposal Site</td>
</tr>
<tr>
<td>WML</td>
<td>Waste Management Licence</td>
</tr>
</tbody>
</table>
2. DEFINITIONS

The following terms as they relate to this project are defined as follows, unless the text indicates otherwise:

Acceptance Letter
When used in reference to an integrated application form, it refers to a letter accepting the integrated application form and stipulates in particular, the process to be followed for the application and also states that should the CA not receive any communication from the applicant within 6 months the project will be closed.

Appeal Panel
Panel of experts appointed to consider and make recommendations to the Minister on the decision and way forward on relevant appeals. This panel is external to the CA.

Appeals Unit
This is a unit that lies within the CA, and is responsible for the processing and administration of appeals lodged against decisions issued by the CA. This unit is composed of environmental lawyers and legal experts.

Applicant
Is a person (including juristic person) who has submitted an application for an authorisation/licence/permit.

Competent Authority
In respect of a listed activity or specified activity, means the Organ of State charged by the relevant Act with evaluating the environmental impact of that activity and, where appropriate, with granting or refusing an authorisation/licence/permit in respect of that activity.

Closure Letter
Letter informing the Applicant that their project has been closed, due to the 6 month period of inactivity lapsing as per Regulation 67 of GN R. 543 of June 2010, and should the applicant wish to continue with the project, they will have to re-apply to the CA.

C&IPS Panel
This panel will be made up of the various directorates (represented by the relevant AsD’s) that will be involved in and/or affected by an application that was lodged within the new C&IPS.

Down - grade process Letter
Letter stating that based on the current information provided and/or other circumstances, the CA has decided that the project should follow an IBA process.

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| **External Environmental Expert Team** | Team of experts external to the DEA, (viz; impact evaluation, waste, biodiversity & conservation, air quality, etc.) for which the SAG applies to and they will provide technical input to the SAG for that appeal. |
| **Integrated Application Form** | Application Form in which the applicant will indicate what activities (and therefore what authorisations, licenses and permits) they are applying for, for the proposed development, and furnish any other details as deemed necessary by the CA. This application process will be of an electronic nature. |
| **Integrated Basic Assessment Report** | Report compiled for an IBA process which contains, as a minimum; information requirements as stipulated by the CA for such a process. |
| **Integrated Environmental Authorisation** | Integrated authorisation issued in terms of the C&IPS. |
| **Integrated Environmental Impact Report** | Report compiled for the Integrated Environmental Impact Assessment phase of an IS&EIR process which contains, as a minimum; information requirements as stipulated by the CA for such a phase, and fully assesses the impact of the development on the receiving environment. |
| **Integrated Environmental Management Programme** | Report compiled and submitted in conjunction with the IBAR or IEIR for approval. The programme contains, as a minimum; information requirements as stipulated by the CA for such an application and includes mitigation measures to be implemented during the pre-construction; construction; operation; and decommissioning phases of the proposed development. |
| **Integrated Scoping Report & Integrated Plan of Study for IEIR phase** | Report compiled for the Integrated Scoping Phase of an IS&EIR process which contains, as a minimum; information requirements as stipulated by the CA for such a phase, and contains the terms of reference for any study to be conducted during the IEIR phase of the project. |
| **Matrix** | This is a legislative matrix that will assist the official reviewing the integrated application form to check if all the activities triggered by the proposed development are indeed applied for and to ensure that the integrated application meets the minimum requirements of the new C&IPS. |
| **Memorandum of Understanding** | An agreement between the DWA and the DEA, which stipulates the process and timeframes in which the DWA must review and consider... |
applications that require an ROD (viz. waste disposal sites).

Minister

Minister of Water and Environmental Affairs

Organ of State

Any department of state or administration in the national, provincial or local sphere of government; or any other functionary or institution exercising a power or performing a function in terms of the Constitution or a provincial constitution; or exercising a public power or performing a public function in terms of any legislation, but does not include a court or a judicial officer.

Register

This register will be an electronic database that will enable the relevant official to capture and update the relevant details of each project that is being processed. This "database" will tie into an EDMS with regard to accessing timeframes and dates that letters, comments and decisions were received and made for a particular project.

Rejection Letter

Letter stating that the relevant final report submitted to the CA substantially does not meet the minimum legislative requirements for such a report and as such can not be processed any further, until it is amended to meet such requirements.

Specialist Advisory Group

Specialist Advisory Group (SAG) consists of individuals from each directorate (nominated by the Chief Director of that affected directorate), who were not involved in the IEA application. Thus, the SAG is an independent body assisting the AU.

Sanity Check

This is a preliminary scan of the integrated application form in which any environmental sensitivities and/or concerns will be flagged for further investigation during the application review phase. This scan will be based on a GIS support system.

Stakeholders

Any interested and affected party, Organ of State or state department that may be affected by the application for a authorisation/ licence/ permit.

State Department

Any department or administration in the national or provincial sphere of government exercising functions that involve the management of the environment.

The Constitution


Upgrade Process Letter

Letter stating that based on the current information provided and/or other circumstances, the CA has

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decided that the project should follow an IS&EIR process, instead of the required IBA process.
3. DRAFT C&IPS: AT A GLANCE

To develop a co-ordinated and integrated permitting system (C&IPS), one must first look at the various pieces of legislation that govern each authorising, licensing and permitting process. As such the project team investigated each process and identified key areas of similarity between them, and this assisted in creating the core structure of a C&IPS. Once the team had the core of the newly created system in view, the task of creating supporting tools was then accomplished. Due to the various combinations of authorisations, licences and permits [issued by the Department of Environmental Affairs (DEA)], two types of integrated processes had to be created, with their own individual phases and components. To make this newly created system practical and feasible within the structure of the DEA, internal steps and check points were assigned to each component, which is outlined in the accompanying flow diagrams.

The C&IPS has been created to allow the authorisations, licences and permits listed in Chapter 4 of this document, to be integrated and issued as one integrated environmental authorisation (IEA). Although a number of combinations of authorisations, licences and permits can be created, applied for, and processed via the C&IPS, a minimum requirement for the system is that the applicant must apply for authorisation in terms of NEMA and/ or a waste management licence (WML) in terms of NEMWA and/ or at least one other permit/ license or authorisation in terms of another piece of legislation. This means that the applicant must require at least two (2) authorisations, licences, or permits with one being an authorisation in terms of NEMA or a WML, for their application to be processed via the C&IPS.

To make the C&IPS stand above its existing counter parts, the system has several internal targets that are expected to be adhered to, and when correctly implemented; will improve the efficiency and reduce resources required for such a system. The system employs the concept of a C&IPS Panel. This panel is composed of various directorates that will be directly involved in or affected by the issuing of an IEA. For example, if an applicant applies for a NEMA authorisation; WML; TOPS permit; and an AIS permit for a proposed development adjacent to a protected area, the C&IPS Panel will be composed of Assistant Directors (AsD's) (from the permitting line functions) from the various directorates dealing with waste and biodiversity (due to the permits required) and it will have a representative from the...
protected areas directorate (due to the development possibly affecting such an area). The committee will be chaired and administered by an AsD from the C&IPS unit.

It should be noted that any documentation that is submitted for an IEA application, must contain sufficient information for all the required authorisations, licences and permits, as stipulated within the relevant applicable legislation.

3.1 CORE STRUCTURE (L0)

The core structure of the C&IPS was identified to be composed of three (3) main phases:

- APPLICATION PHASE
- REPORT REVIEW PHASE
- DECISION PHASE

These three phases were common for all authorisation, licence and permit processes that require decisions issued by the DEA.

3.2 SUPPORTING PROCESSES (L1)

As mentioned above, based on this core structure, and the various combinations of applications, two integrated processes were created, namely an Integrated Basic Assessment (IBA) process and an Integrated Scoping and Environmental Impact Reporting (IS&EIR) process. Both of these processes result in an IEA being issued for all the activities applied for.

Process 1: Integrated Basic Assessment process

```
INTEGRATED APPLICATION FORM  INTEGRATED BASIC ASSESSMENT PROCESS  INTEGRATED ENVIRONMENTAL PERMIT FORM
```

Process 2: Integrated Scoping and Environmental Impact Reporting process

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3.3 L2

Each process step identified above can be further broken down. The Integrated Application Form will be based on an electronic system and the IBA process is divided into two components (i.e. a Draft IBAR and a Final IBAR), while the IS&EIR process is divided into two sub-processes (i.e. Integrated Scoping sub-process and an Integrated Environmental Impact Reporting sub-process), as illustrated below:

Process 1: Integrated Basic Assessment process

Process 2: Integrated Scoping and Environmental Impact Reporting Process

3.4 L3

The IBA process most detailed and final plane is level 3, where the Departments internal operating steps and check points are illustrated. Each component has their own flow diagram which outlines each internal step and
shows their relation to each other (refer to the flow charts attached at the end of this chapter).

Process 1: Integrated Basic Assessment process

The IS&EIR process level 3 detail shows each sub-process having two components (i.e. a Draft Integrated Report component and a Final Integrated Report component), as illustrated below:

Process 2: Integrated Scoping and Environmental Impact Assessment process

The IS&EIR process most detailed and final plane is level 4, where the Departments internal operating steps and check points are illustrated. Each component has their own flow diagram will outlines each internal step and shows their relation to each other (refer to flow charts attached at the end of this chapter).
Process 2: Integrated Scoping and Environmental Impact Reporting process

ELECTRONIC SUBMISSION OF INTEGRATED DAPPLICATIO N FORM (FLOW CHART 3) → IS&EIR PROCESS: INTEGRATED SCOPING SUB-PROCESS—DRAFT ISR (FLOW CHART 6) → IS&EIR PROCESS: INTEGRATED SCOPING SUB-PROCESS—FINAL ISR (FLOW CHART 7) → IS&EIR PROCESS: INTEGRATED EIA SUB-PROCESS—DRAFT IEIR (FLOW CHART 8) → IS&EIR PROCESS: INTEGRATED EIA SUB-PROCESS—FINAL IEIR (FLOW CHART 9) → IEA

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4. PROCESSES INTEGRATED WITHIN THE C&IPS

The following authorisations, licences and permits can be integrated and issued as one integrated environmental authorisation (IEA), provided that the applicant requires at least two (2) authorisations, licences, or permits with one being an authorisation in terms of NEMA or a WML, for their application to be processed via the C&IPS.

<table>
<thead>
<tr>
<th>REQUIRED APPROVALS</th>
<th>OTHER PERMITS / LICENCES</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Authorisation in terms of NEMA and/or WML</td>
<td>• TOPS permit</td>
</tr>
<tr>
<td>• WML</td>
<td>• AIS permit</td>
</tr>
<tr>
<td></td>
<td>• ORV permit</td>
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<td></td>
<td>• Shell Grft Permit</td>
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<td></td>
<td>• Shell Permit</td>
</tr>
<tr>
<td></td>
<td>• Dumping at Sea Permit</td>
</tr>
<tr>
<td></td>
<td>• Filming of Sharks, Whales, Dolphins, Seals and Sea Birds Permit</td>
</tr>
<tr>
<td></td>
<td>• Exemptions for activities within Marine Protected Areas</td>
</tr>
<tr>
<td></td>
<td>• Boat Based Whale Watching renewal permit</td>
</tr>
<tr>
<td></td>
<td>• White Shark Cage Diving renewal permit</td>
</tr>
<tr>
<td></td>
<td>• Amendments to existing approvals that also require additional approvals that warrant the use of the C&amp;IPS</td>
</tr>
<tr>
<td></td>
<td>• S24G</td>
</tr>
</tbody>
</table>

Note: S24G applications may only be processed via the C&IPS provided that the minimum requirements are met (i.e. as per the table above). The application phase for a S24G will be processed via the C&IPS application phase, thereafter the S24G process continues as it is currently undertaken (between the EIE and Compliance directorates). Once the fine has been determined and issued, the application then re-enters the C&IPS at the “Integrated EIR – Final IEIR phase” with the submission of a Final IEIR, IEMP and proof of payment. Thus an IEA will be issued, however in terms of S24G of NEMA.
5. PROCESSES CO-ORDINATED WITH THE C&IPS

- Bioprospecting Permits – lengthy timeframes will clash with the C&IPS streamlined approach. However the application phase can be co-ordinated, so that the IEA refers to the Bioprospecting as well and can have conditions requiring the securing of the Bioprospecting permit before the applicant may proceed with the proposed development.
- IEA Amendment Applications may be processed via the C&IPS if the amendment requested, requires an integrated review approach viz. one provided by the C&IPS Committee.

The Long term benefits of co-ordinating additional processes within the DEA and the C&IPS, is that it will allow a single entry point to the DEA (i.e. one application phase), and thereafter each application will divert to their own particular permitting process or be processed via the C&IPS. By having a single application phase, it will allow the Department to manage the environment more holistically and sustainably.

6. PROCESSES NOT INTEGRATED OR CO-ORDINATED WITHIN THE C&IPS

- CITES permits – these permits are issued post development i.e. a facility/ end destination has to exist for these permits to be issued.
- NEMBA Exemption Permits – it is not foreseen that an exemption permit in terms of NEMBA will be applied for simultaneously with an application for an IEA, as the core permits required for the C&IPS process, do not exempt the Applicant from the entire process.
- ORV EXEMPTIONS – same as NEMBA exemption permits.
- Genetically Modified Organism’s (GMO) permits – the DEA is not the issuing authority.
- Basel Convention permits – these permits are issued post development i.e. a facility/ end destination has to exist for these permits to be issued.
- Initial Environmental Evaluation – should an Applicant require approval to conduct activities in Antarctica that would require an authorisation in terms of NEMA or a WML in terms of South African legislation, the Applicant would have to conduct a Comprehensive Environmental
Evaluation, which will then be decided by the Antarctica Treaty Committee.

- Stand alone Amendment Applications – these are post authorisation/licensing/permitting process and can not be conducted simultaneously with a pre-authorisation process, and therefore can not be processed with the C&IPS.
- IEA Amendment Applications – if the requested amendments only refer to a particular section of the IEA (viz. waste or biodiversity) then the amendment application will be processed by the existing permitting line function of the Directorate responsible for that sector of the environment.
- Substantive Exemption Applications applied for in terms of NEMA and NEM:WA, can not be processed via the C&IPS.
7. DRAFT C&IPS: DETAILS TO REMEMBER

7.1 Integrated Application Phase

- It is proposed that the application phase of the C&IPS be made electronic. This will assist in capturing the details of the application and conducting the sanity check.

- The sanity check is a preliminary scan of the integrated application form in which any environmental sensitivities and/or concerns will be flagged for further investigation during the application review phase. It is proposed that this scan be based on a GIS support system. Details, such as the farm name and portion or erf number for the proposed development, can easily be captured and referred to at a later stage.

- The legislative matrix is a tool that is proposed to assist the official in reviewing the integrated application form to check if all the activities triggered by the proposed development are indeed applied for and to ensure that the integrated application meets the minimum requirements to be processed within the C&IPS.

- The register proposed, will be an electronic database that will enable the relevant official to capture and update the relevant details of each project that is being processed. This "database" will tie into an EDMS with regards to quickly ascertaining the status of any given project/application. It is envisaged that the register and an EDMS will be combined to create an effective record keeping tool that will assist any official (e.g. the Appeal Unit) to understand the project history and reasons behind each decision issued by the department.

- Should the Applicant request and motivate that the integrated process to be followed for their application be that of an IBA process instead of an IS&EIR process, the CA has the option to make a decision now, at the application phase of the project, or instruct the Applicant to proceed with the integrated scoping phase of the project. The Applicant must therefore submit the ISR to the CA to allow the CA to make an informed decision on the down-grade request.

- It should be noted that, non-substantive NEMA and NEMWA exemption applications, can be processed and decided on within this phase.
• The automated closure letter that is proposed is aimed at making the C&IPS an efficient and quick system. This closure letter will ensure that dormant projects do not remain on the system and skew the perception of the Departments capacity in terms of processing integrated applications.

• There is a tremendous need for this phase of the system to be accurately undertaken and maintained, as it has direct implications on the rest of the process. For this reason, an electronic based phase will be preferable.

7.2 Integrated Basic Assessment Process

7.2.1 Draft IBAR

• The PEOs that was allocated by the AsDA during the Application Phase is the PEOs that receives the IBAR.

• As per regulation 56 (7) of GNR 543 of 18 June 2010, the DEA is required to request comments from all State Departments on all draft reports submitted to the Department.

• Once the comments are received, the CA must forward these comments to the Applicant/ Environmental Assessment Practioner (EAP).

• Due to the integrated nature of the applications and information content thereof, the PEOs has the ability to review the Draft IBAR and advise the AsDC&IPS on the potential need to appoint an external specialist reviewer. The AsDC&IPS can then review and motivate this need, draft and sign the letter of intent to appoint the external specialist reviewer which is then sent to the Applicant.

• If the application includes the licensing of a Waste Disposal Site, the DEA, must submit the Draft IBAR to the Department of Water Affairs (DWA) immediately on receipt of the Draft IBAR in order for the DWA to commence with their review of the document, so that when the Final IBAR is submitted the DWA will be able to issue a ROD (or request additional information) within 15 days of receiving the Final IBAR. This should be formalised by means of an internal Memorandum of
Understanding (MOU) between the DEA and the DWA in terms of this new C&IPS.

7.2.2 Final IBAR

- The C&IPS Panel will be made up of the various directorates (represented by the relevant AsD’s) that will be involved in issuing the IEA and/ or may be affected by the application that was lodged. The timeframe for the team to review the Final IBAR and determine whether or not it contains enough information in terms of legislative requirements shall be 21 days and the team shall meet to discuss their findings within this timeframe. It is proposed that this meeting be a fixed fortnightly meeting to be attended by the relevant parties should a new application be lodged.

- Due to the nature of the development and impacts on the receiving environment, the Department may decide that an IBA process is insufficient to effectively assess the impact of the proposed development on the environment, and may instruct the Applicant to proceed with an IS&EIR process.

- As per a MOU, within 15 days of receiving the Final IBAR the DWA will issue the ROD (or request additional information).

- The AsD_C&IPS must decide if an external specialist reviewer is required and if so, he/ she must draft the letter informing the Applicant and follow the necessary protocol to confirm the appointment. The external specialist reviewer must review and submit their findings on the Final IBAR within an agreed timeframe not exceeding that of 19 days.

- If the IEA is positive, the PEOs will submit the IEA and the IEMP to the Directorate of Compliance.

7.3 Integrated Scoping & Environmental Impact Reporting Process

7.3.1 Draft ISR

- The DEA is required to request comments from all State Departments on all draft reports submitted to the Department.

- Once the comments are received, the CA must forward these comments to the Applicant/ Environmental Assessment Practitioner (EAP).
7.3.2 Final ISR

- Due to the integrated nature of the applications and information content, the AsDc&IPs can review and internally motivate the need for an external specialist reviewer for the Final IEIR. The Deputy Director can then internally recommend this need. The Department now has sufficient time (while the Applicant compiles the Draft and Final IEIR) to source the relevant external specialist reviewer and get all the paper work in order, with the intention to save time on appointing the reviewer once the Final IEIR is received.

- Due to the nature of the development and impacts on the receiving environment, the Department may decide that an IS&EIR process is a more complex process than that is required to effectively assess the impact of the development and may instruct the Applicant to proceed with an IBA process, instead.

7.3.3 Draft IEIR

- The relevant official will confirm the need for an external specialist reviewer and inform the Applicant of the Department’s decision.
- The Department will then confirm with the external specialist reviewer that the Final IEIR will be submitted for review at a later date and prepare that reviewer in terms of setting aside time for the review.
- If the application includes a Waste Disposal Site, the DEA, must submit the Draft IEIR to the Department of Water Affairs (DWA) in order for the DWA to commence their review, so that when the Final IEIR is submitted the DWA can make a decision within 30 days of receiving the Final report. This arrangement in terms of meeting timeframes and participating in cooperative governance should be communicated by means of an internal Memorandum of Understanding (MOU) between the DEA and the DWA.

7.3.4 Final IEIR

- As per a MOU, within 30 days of receiving the Final IEIR the DWA will issue the ROD (or request additional information).
- The AsDc&IPs must decide if an external specialist reviewer is required and if so, he/she must draft the letter informing the Applicant and

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follow the necessary protocol to confirm the appointment. The external specialist reviewer must review and submit their findings on the Final IEIR within an agreed timeframe not exceeding that of 35 days.

- If the IEA is positive, the PEOs will submit the IEA and the IEMP to the Directorate of Compliance.

7.4 Appeals Process

- The Specialist Advisory Group (SAG) consists of individuals from each directorate (nominated by the Chief Director of that affected directorate), who were not involved in the IEA application. Thus, the SAG is an independent body assisting the AU.
- The External Environmental Expert Team are a team of experts external to the DEA, (viz; impact evaluation, waste, biodiversity & conservation, air quality, etc.) for which the SAG applies to and they will provide technical input to the SAG for that appeal.
- It should be noted that due to the Minister's involvement in the approval of Benefit sharing and Materials transfer agreements, within the Bioprospecting decision making process, any appeals on Bioprospecting permits, must be automatically processed as a Category 3 appeal.
8. POSSIBLE LEGAL AMENDMENTS

It is noted that the NEM:BA appeals process is currently being amended to be in line with that of NEMA. There are no other legislation amendments that are necessary for the functioning of the C&IPS at this stage and as per the Environmental Lawyer's memorandum (see attached), the C&IPS should be implemented as a policy within the DEA. By implementing the system (which is a combination of various processes) as a policy, it removes the obligation of such a system to conform to all the processes and timeframes stipulated by each individual process. It is noted that there is a possibility of Regulations on the system being created at a later stage, the project team are of the opinion that such regulations may restrict the flexibility of the system and reduce its effectiveness.

9. INTER-GOVERNMENTAL COOPERATION REQUIRED

The two memorandums of understanding, stipulated within the system as key tools that need to be in place to ensure the success of the C&IPS. Should the system be deemed feasible, the DEA should actively engage with the DWA to ensure that these tools are in place and abided by.

With regard to the issuing of Air Emission Licences (AEL) by the Licensing Authority (LA), it is suggested that should an integrated application require an AEL; the LA is invited to form part of the C&IPS Panel that will review and decide on the application. As such, should the application be approved, an IEA and a provisional AEL (pAEL) will be issued together. Thereafter, once the conditions of the pAEL are met, the LA will continue with their function and issue the AEL.

Should the provincial authority be the competent authority on one aspect of an integrated application, it is suggested that the provincial authority forms part of the C&IPS Panel (as in the AEL recommendation), or that there is a delegation of authority from the provincial authority to the DEA for such integrated applications.

10. POTENTIAL RISKS AND CONCERNS

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With regard to the Application Phase, it is important to note that with an electronic based phase such as the one proposed, comes a large amount of risk in terms of the data on such a system being out of date and other associated electronic malfunctions.

The Oceans & Coast (O&C) Branch has indicated that there is a new pipeline permit that is currently being developed by the Branch and would like to investigate the possibility of integrating this permit within the C&IPS. However SEF has not received the draft regulations or permitting procedure to investigate such a link. Should the O&C Branch still wish to investigate such a link, this will be considered with the final Framework phase report.

11. WAY FORWARD

The First Draft Framework phase report and the C&IPS was presented to the Project Steering Committee (PSC) and work shopped (on 7 October 2011), to determine the system’s feasibility and technical details. This second Draft Framework phase report, has taken into consideration the points of concern raised at the PSC workshop. This second draft is submitted to the PSC to determine the system’s feasibility and technical details. Once the PSC has determined that the system is feasible, the implementation phase of the project shall begin, whereby an array of implementation tools shall be created. Supporting documentation to clarify the C&IPS such as the following (inter alia), will also be created in conjunction with the DEA:

- New Integrated Processing Templates (e.g. application templates);
- Process Guideline document.
C&IPS Structure - Integrated Basic Assessment Process

Core Structure (L0)

- Application Phase
- Report Review Phase
- Decision Phase

Supporting Processes (L1)

- Integrated Application Form
- Integrated Basic Assessment Process
- Integrated Environmental Authorisation

L2

- Electronic Submission of Integrated Application Form
- Draft IBAR
- Final IBAR
- Integrated Environmental Authorisation

L3

- Refer to Flow Chart 3
- Refer to Flow Chart 4
- Refer to Flow Chart 5
- Integrated Environmental Authorisation
C&IPS STRUCTURE – INTEGRATED SCOPING AND ENVIRONMENTAL IMPACT REPORTING PROCESS

CORE STRUCTURE (L.9)

APPLICATION PHASE

REPORT REVIEW PHASE

DECISION PHASE

SUPPORTING PROCESSES (L-1)

INTEGRATED APPLICATION FORM

INTEGRATED SCOPING & ENVIRONMENTAL IMPACT REPORTING PROCESS

INTEGRATED ENVIRONMENTAL AUTHORISATION

INTEGRATED SCOPING SUB-PROCESS

DRAFT ISR

FINAL ISR

INTEGRATED EIR SUB-PROCESS

DRAFT IIR

FINAL IIR

INTEGRATED ENVIRONMENTAL AUTHORISATION

ELECTRONIC SUBMISSION OF INTEGRATED APPLICATION FORM

L2

INTEGRATED ENVIRONMENTAL AUTHORISATION

L3

ELECTRONIC SUBMISSION OF INTEGRATED APPLICATION FORM

INTEGRATED ENVIRONMENTAL AUTHORISATION

L4

(INTEGRAL STEPS & CHECK POINTS)

Refer to Flow Chart 3

Refer to Flow Chart 4

Refer to Flow Chart 5

Refer to Flow Chart 6

Refer to Flow Chart 7

REFER TO FLOW CHART 8

REFER TO FLOW CHART 9

INTEGRATED ENVIRONMENTAL AUTHORISATION
LEGEND

Next step in the procedure

Possible next step in procedure

Acknowledge receipt of report

Step in process

14 days

Timeframe associated with the step above it

1 Day

Internal Timeframe Target associated with the step above it

15 Days (MOU)

MOU Timeframe

Contractual agreement 35 Days

Outgoing step linking to next process

Proceed to category 1/2/3

Outgoing step that is not part of this procedure but links to the next process

External specialist appoint to review

Appoint External specialist reviewer

Proposed step with Financial implications

App submits

Start / end step in process

Decision step in procedure

PEO awaits payment of fine

Publish BSA
Applicant (App)

App submits Integrated Application

Competent Authority (CA)

PEOs:
- Receives application & stamps the date
- Captures in Register
- Allocates Ref no.
- Conducts Sanity Check (GIS)

PEOs:
- Reviews Application
- Apply Matrix
- Decide on Integrated Process to be followed (IBA / IS&EIA)

Response Received?

PEOs:
- Draft Acknowledgement & Rejection Letter
- AsDs:
  - QC
  - Signs letter.

PEOs:
- Fax / Email letter to App
- Update Register

App receives Rejection letter

App receives Acceptance letter

App receives Closure letter

Stakeholders (D&A/P's, State Departments etc.)

1 Day

4 Days

2 Days

14 Days

6 Months

DEA:
TOTAL LEGISLATIVE TIMELINE: 14 DAYS
TOTAL INTERNAL TIMELINE: 7 DAYS
CAIPS - INTEGRATED APPLICATION PHASE
Applicant (App):

- App submits Final ISR & IPoS

- App receives Acknowledgement of receipt

Competent Authority (CA):

- PEOs: Fax/Email Acknowledgement of Receipt to App

- PEOs: Fax/Email Relevant letter to App

- ASDown: Draft Acceptance letter
  - Recommend need for external specialist reviewer for final EIR

- ASDown: Draft Rejection / Request for additional information / Downgrade process letter

- Information content sufficient for current process?
  - NO
  - DD:
    - QC: Sign Rejection / Request for additional information / Downgrade process letter
  - YES

- AsDown: Draft Acceptance letter
  - Recommend need for external specialist reviewer (follow internal protocol to obtain such services)

Stakeholders (i.e., APs, State Departments, etc.):

- DEA
  - TOTAL LEGISLATIVE TIMEFRAME: 44 DAYS
  - TOTAL INTERNAL TARGET TIMEFRAME: 32 DAYS

C&IPS - ISASIA PROCESS: SCOPING PHASE - FINAL REPORT
Applicant (App)
- App submits Draft IEIR & IEMP
  - App receives Acknowledgement of receipt

Competent Authority (CA)
- PEOs:
  - Receives Report
  - Captures in Register
  - Drafts & Signs Acknowledgement of Receipt
- PEOs:
  - Review Draft IEIR & advise on need for an external reviewer (40 Days)
  - AsDown:
    - QC Sign Comment Request letter
  - PEOs:
    - Fax / Email Comment Request letter to relevant State Departments
    - Capture in Register
- PEOs:
  - Receives comments
  - Draft & Sign acknowledgement of receipt
  - Capture in Register

Stakeholders (R&Ps, State Departments etc.)
- Organs of State comment on Draft IEIR & IEMP
- Relevant State Departments receive acknowledgement of receipt
- IF WDS - DWA commences review of Draft IEIR

Flowchart:
- App receives letter of intent to appoint external specialist reviewer
- App receives comments
- 2 Days
- 1 Day
- 1 Day
- 1 Day
- 2 Days

Legend:
- App
- Draft IEIR
- IEMP
- PEOs
- AsDown
- Orgs of State
- Relevant State Departments
- WDS
- DWA

Notes:
- ISAEIR PROCESS: INTEGRATED EIR - DRAFT IEIR
- TOTAL LEGISLATIVE TIMELINE: N/A
- TOTAL INTERNAL TIMELINE: NA
- CASIPS
- ISAEIR TIMELINE: N/A
- INTEGRATED EIR - DRAFT IEIR
Appellant lodges NOI to appeal

Within 20 days of date of IEA

Director of IPS informs the Head of Ministry (HOM) and the Directorate of Law Reform and Appeals (DLRA)

HOM receives & Acknowledges NOI and forwards to (DLRA) Appeals Unit (AU) for consideration

Not in time

AU considers the NOI

In time

AU informs Appellant that the NOI has been accepted

Appellant submits an application for time extension to the Minister and re-submits NOI (as per time extension procedure)

Appellant receives acknowledgement of receipt

Appellant completes Appeal

Appellant

Competent Authority (CA)

Stakeholders

(IEAPs, Organs of State etc.)

Target Timeframe: 7 Days

DSA

TOTAL INTERNAL

TARGET TIMEFRAME: 7 DAYS

CAIPS—APPEAL PROCESS
NO PROCEDURE

2 Days

5 Days
Appellant rectifies the Appeal and re-submits (if time extension is applied for, processed as per time extension procedure)

Appellant receives Acknowledgement of receipt

Within 30 Days of lapsing of the 20 days from the date of the IEA

Competent Authority (CA)

AU considers the Appeal

AU informs Appellant that the Appeal is not valid for various reasons and cannot be processed any further until it is rectified

AU receives appeal and acknowledges receipt

Valid

Not Valid

Appellant

Appellant

10 Days

5 Days

2 Days

Stakeholders

(IAAP’s, Organs of State etc.)

DEA

TOTAL INTERNAL TARGET TIMEFRAME: 7 DAYS

CIPS-APPEAL PROCEDURE
APPEAL ACCEPTANCE PROCEDURE
The image is a flowchart detailing the Appeal Process. Here is a textual representation of the process:

1. **Applicant (App)**
   - Appellant/App/Respondent submits an application.
   - Within 30 days of receiving an appeal from the Appellant:
     - AU conducts the following:
       - Review all appeals accepted
       - Categorize all appeals 1/2/3 (in consultation with the relevant CD)
       - Draft an Appeals Response Report (ARR)
     - AU receives Responding Statements & Acknowledges
     - AU considers the RS
     - If the RS is not in time, AU informs Appellant/App/Respondent:
     - AU considers the RS
     - AU summarizes RS within the ARR
     - New Information within RS:
       - YES (New Information within RS)
       - NO (RS within ARR)
     - AU acknowledges AS and considers
   - Proceed to Appeal of particular category

2. **Competent Authority (CA)**
   - AU informs Appellant/App/Respondent that the AS is not valid and cannot be processed any further
   - AU considers the AS
   - Valid
   - AU summaries AS within ARR
   - AU informs Appellant/App/Respondent that the AS is not valid and cannot be processed any further
   - AU considers the AS
   - Valid
   - AU summaries AS within ARR

3. **Stakeholders**
   - (I&APs, Organs of State etc.)
   - 2 Days
   - 10 Days
   - 5 Days
   - 2 Days
   - 10 Days
   - 5 Days

4. **TOTAL INTERNAL TARGET TIMEFRAME**: 14 DAYS

The diagram illustrates the steps and timelines involved in the appeal process, ensuring clarity and efficiency in handling applications.
**Applicant (App)**

- Appeal processing & categorisation being completed

**Competent Authority (CA)**

- AU: Prepares a submission to the Minister and Drafts Appeal Decision
  - Decision includes recommendation to confirm the decision issued / Set Aside the decision issued / Vary the decision issued with exact variations to be done

**Stakeholders (I&APs, Organs of State etc.)**

- 5 Days
- 2 Days

**Diagram**

- The submission, Drafts Appeals Decision and all relevant information are sent to the ODG (Corporate Affairs) for QC and agreement
- Minister for consideration, decision making & signature
- Makes a decision: Confirm / Set Aside / Vary the IEA issued
- HOM informs the App & Appellants of Decision

**Decision**

- AU source this

**Timeframe**

- 90 Days
- Timeframe not stipulated

**Notes**

- Require more information
- Require that an Appeal Panel be established
- AU proceeds to establish one & Category of Appeal new changes
- Appeal Panel reviews all the information and makes recommendations to Minister
Within 5 Days of Appeal processing & categorisation being completed:

- AU requests relevant CD to provide their comments on the appeals
- Relevant CD reviews the documents and comments in the relevant column of the ARR (21 days)

Category of Appeal is changed and processed as per category 1/2:

- NO
  - AP required?
    - YES
      - AU determines date for a meeting in which the AU and SAG discuss the appeals and confirm that an Appeal Panel (AP) is required.
      - AU prepares submission to the Minister (incl record of the meeting) which indicates that an AP must be appointed. Drafts instruction (submission) to the AP
  - AU finalises procurement of the AP and provides the AP with all the relevant documents
  - AU inform AP of issues & timeframes on which they must provide recommendations & AP Draft Appeals decision to the Minister
  - HOM arranges a meeting with the Minister & DDG (CA) & CD legal services & AU & SAG & AP to discuss & make a decision

- Receiving Decision:
  - All documents placed in project file for archiving
  - HOM informs the AP & Applicants

Competent Authority (CA)

Stakeholders (I&APs, Organis of State etc.)

TOTAL INTERNAL TARGET TIMEFRAME: 90 Days

DEA

OEA

PS-APPEALS

O PROCESSING OF CATEGORY 3 APPEALS