

South Africa

Disaster Management Act, 2002

Directions Regarding Measures to Address, Prevent and Combat the Spread of COVID-19 Relating to National Environmental Management Permits and Licences

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Directions Regarding Measures to Address, Prevent and Combat the Spread of COVID-19 Relating to National Environmental Management Permits and Licences

Government Notice 970 of 2020

Published in [Government Gazette no. 43696](#) on 9 September 2020

Assented to on 8 September 2020

Commenced on 9 September 2020

[Up to date as at 9 September 2020]

I, Barbara Dallas Creecy, Minister of Forestry, Fisheries and the Environment hereby issue the Directions set out in the Schedule in terms of regulation 4(10) of the Regulations issued by the Minister of Cooperative Governance and Traditional Affairs in terms of section 27(2) of the Disaster Management Act, 2002 ([Act No. 57 of 2002](#)) and published on 29 April 2020 in Government Notice No. R. 480 of *Government Gazette* No. 43258, as amended.

Barbara Dallas Creecy

Minister of Forestry

1. Definitions

In these Directions, any word or expression to which a meaning has been assigned in the National Environmental Management Act, the National Environmental Management: Waste Act, the National Environmental Management: Air Quality Act, the Environmental Impact Assessment Regulations and the National Appeal Regulations, bears the meaning so assigned and, unless the context otherwise indicates—

"**Alert Level**" means the relevant Alert Level as contemplated in the Regulations;

"**Environmental Impact Assessment Regulations**" means the Environmental Impact Assessment Regulations issued in terms of sections 24(5) and 44 of the National Environmental Management Act and published on 4 December 2014 in Government Notice No. R. 982 of *Government Gazette* No. 38282;

"**National Appeal Regulations**" means the National Appeal Regulations issued in terms of section 44(1)(a), read with section 43(4) of the National Environmental Management Act and published on 8 December 2014 in Government Notice No. R. 993 of *Government Gazette* No. 38303;

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

"**National Environmental Management: Air Quality Act**" means the National Environmental Management: Air Quality Act, 2004 ([Act No. 39 of 2004](#));

"**National Environmental Management: Waste Act**" means the National Environmental Management: Waste Act, 2008 ([Act No. 59 of 2008](#));

"**Permitting Directions**" means the Directions published in Government Notice No. 650 in *Government Gazette* No. 43412 of 5 June 2020 which applied during Alert Level 3;

"**Regulations**" means the Regulations issued in terms of section 27(2) of the Disaster Management Act, 2002 ([Act No. 57 of 2002](#)) and published under Government Notice No. R.480 of *Government Gazette* No. 43258 of 29 April 2020, as amended by Government Notices Nos. R. 608 of *Government Gazette* No. 43364 of 28 May 2020, R. 714 of *Government Gazette* No. 43476 of 25 June 2020, R. 763 of *Government Gazette* No. 43521 of 12 July 2020, R.

846 of *Government Gazette* No. 43577 of 31 July 2020 and R. 891 of *Government Gazette* No. 43620 of 17 August 2020; and

"**repealed Directions**" means the Directions published on 31 March 2020 in Government Notice No. 439 of *Government Gazette* No. 43190.

2. Purpose

The purpose of these Directions is to curtail the threat posed by the COVID-19 pandemic and to alleviate, contain and minimise the effects of the national state of disaster, and in particular to provide directions to ensure fair licensing processes and public participation processes as required by the laws contemplated in the Permitting Directions.

3. Application

- 3.1 This Notice applies to the parties contemplated in paragraph 3.1 of the Permitting Directions.
- 3.2 Where any of the licensing authorities or competent authorities affected by these Directions has publicly indicated that a different arrangement applies in respect of paragraph 4, such an arrangement will prevail over any arrangement indicated in these Directions.

4. Extension of timeframes

For any decisions or processes affected by the timeframes contemplated in paragraphs 5.1(a) and 5.2(a), (b) and (d) of the repealed Directions, for which processes, services or actions were suspended, extended or deemed extended from 27 March 2020, including the period of validity of decisions or dates on which environmental audit reports were due for submission, and which processes, services or actions—

- (a) were not resumed in terms of the Permitting Directions, but which are resumed under Alert Level 2 or lower Alert Level, the appropriate actions and steps must be taken, in terms of the applicable legislation, in order to avoid the lapsing or expiry of such decisions or processes—
 - (i) within 30 days of the publication of these Directions in the *Gazette*; or
 - (ii) where outstanding actions or steps cannot be concluded within a period of 30 days of publication of these Directions in the *Gazette*, within such period that is deemed appropriate and reasonable to conclude such outstanding actions or steps, which period must be agreed to with, and confirmed by, the relevant authority in writing within 30 days of publication of this Notice in the *Gazette*, and which agreed period must be communicated by the applicant, holder of the decision, appellant or any other responsible party without undue delay, to all parties affected by such process or decision;
- (b) were resumed under the Permitting Directions during Alert Level 3, such processes, services or actions must continue subject to adherence to any applicable extended timeframes as contemplated in paragraphs 4.2 and 4.3 of the Permitting Directions or agreements reached regarding a specific decision or process between the relevant parties as contemplated in the Permitting Directions.

5. Commencement and duration

These Directions come into effect on the date of publication in the *Government Gazette* and will apply for the period of the national state of disaster.