



## environmental affairs

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

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Ref:02/1/5/2

### MINISTER

### QUESTION NO. 257 FOR ORAL REPLY: NATIONAL COUNCIL OF PROVINCES

A draft reply to **Ms C Labuschagne (Western Cape: DA)** to the above-mentioned question is enclosed for your consideration.

**MS NOSIPHO NGCABA**  
**DIRECTOR-GENERAL**

**DATE:**

**DRAFT REPLY APPROVED/AMENDED**

**DR B E E MOLEWA, MP**  
**MINISTER OF ENVIRONMENTAL AFFAIRS**

**DATE:**

**NATIONAL COUNCIL OF PROVINCES**

**(For oral reply)**

**QUESTION NO. 257 {CO378E}**

**INTERNAL QUESTION PAPER NO. 29 of 2017**

**DATE OF PUBLICATION: 10 October 2017**

**Ms C Labuschagne (Western Cape: DA) to ask the Minister of Environmental Affairs:**

- (a) How many mining applications have been appealed against since the inception of the One Environmental System in 2014, (b) what percentage of the total number of mining applications made in that time was appealed against, and (c) what criteria are used to determine when an appeal should be lodged against a mining-related application that was approved under the One Environmental System?

**257. THE MINISTER OF ENVIRONMENTAL AFFAIRS REPLIES:**

- (a) Since the inception of the one environmental system in December 2014, there have been 78 appeals lodged against environmental authorisations issued by the Department of Mineral Resources (DMR).
- (b) The Department of Environmental Affairs does not have information on the total number of environmental authorisations issued by the DMR. Information in this regard should be sought from the DMR.
- (c) The National Environmental Management Act (Act No. 107 of 1998) (NEMA) as amended, which forms part of the suite of legislation to give rise to the One Environmental System for the country, was based on the agreement that all environment related aspects of mining will be regulated by the NEMA; and all environmental provisions were repealed from the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002) (MPRDA). The Minister of Mineral Resources now issues Environmental Authorisations and Waste Management Licences in terms of NEMA and the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), respectively, for mining activities and directly related activities; and I am the appeal authority for these authorisations. As part of this process, the National Appeals Regulations, 2014 has repealed the various appeal regulations currently in effect in terms of NEMA and the

SEMAs, and provides for a single appeal process under section 43 of NEMA. The National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008) is still an exception.

As a result thereof, I am the appeal authority in respect of all environmental authorisations issued by the DMR on applications for environmental authorisations received after 08 December 2014. **END**