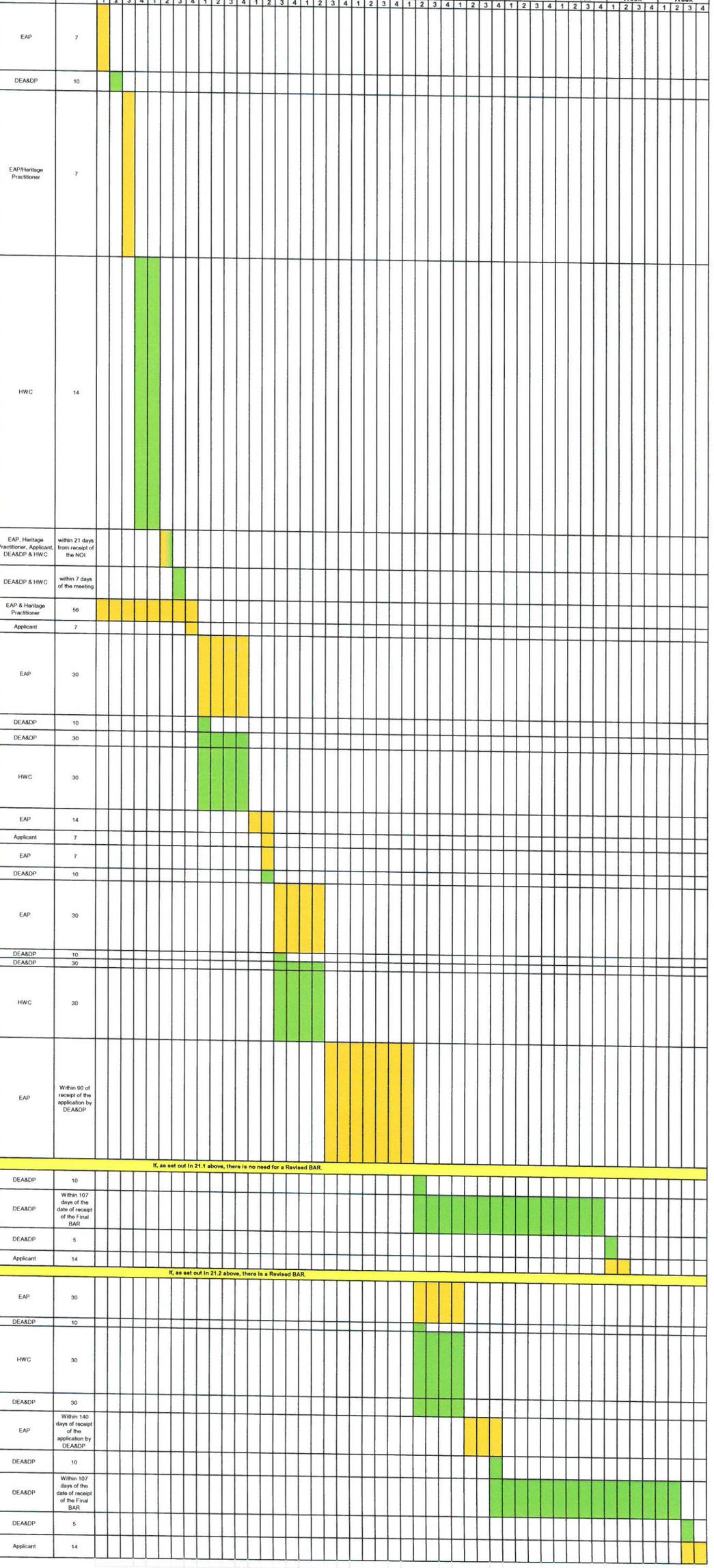
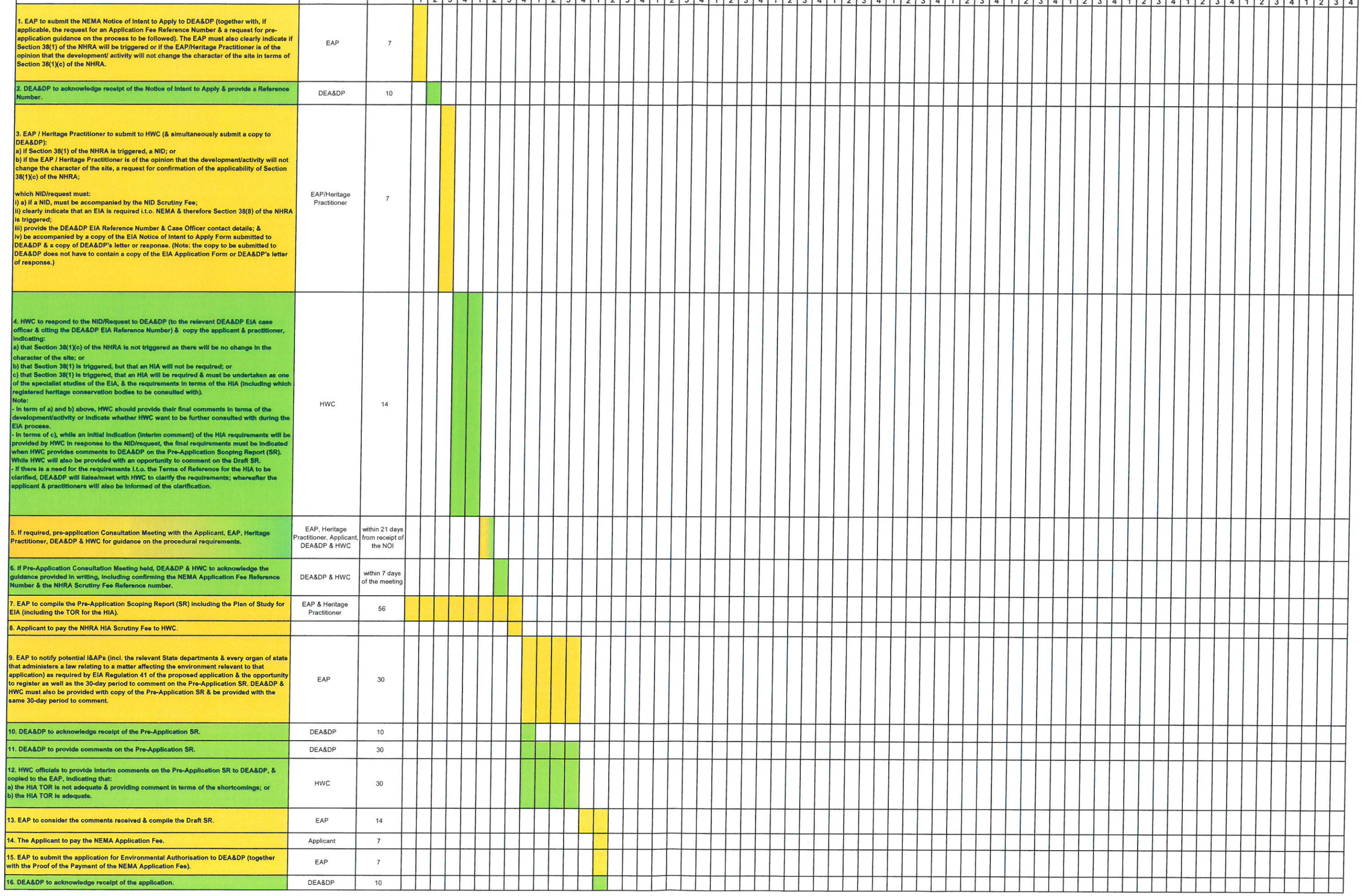
DEA&DP & HWC Operational Agreement/SOP (December 2015):
Project Schedule for Basic Assessment with a Pre-Application BAR released for comment prior to submission of the application

Tasks to be performed	Responsibility	Number of days
1. EAP to submit the NEMA Notice of Intent to Apply to DEA&DP (together with, if applicable, the request for an Application Fee Reference Number & a request for pre-application guidance on the process to be followed). The EAP must also clearly indicate if Section 38(1) of the NHRA will be triggered or if the EAP/Heritage Practitioner is of the opinion that the development/ activity will not change the character of the site in terms of Section 38(1)(c) of the NHRA.	EAP	7
2. DEA&DP to acknowledge receipt of the Notice of Intent to Apply & provide a Reference Number.	DEA&DP	10
3. EAP / Heritage Practitioner to submit to HWC (& simultaneously submit a copy to DEA&DP): a) If Section 38(1) of the NHRA is triggered, a NID; or b) If the EAP / Heritage Practitioner is of the opinion that the development/activity will not change the character of the site, a request for confirmation of the applicability of Section 38(1)(c) of the NHRA; which NID/request must: i) if a NID, must be accompanied by the NID Scrutiny Fee; ii) clearly indicate that an EIA is required i.t.o. NEMA & therefore Section 38(8) of the NHRA is triggered; iii) provide the DEA&DP EIA Reference Number & Case Officer contact details; & iv) be accompanied by a copy of the EIA Notice of Intent to Apply Form submitted to DEA&DP & a copy of DEA&DP's letter or response. (Note: the copy to be submitted to DEA&DP does not have to contain a copy of the EIA Notice of Intent to Apply or DEA&DP's letter of response.)	EAP/Heritage Practitioner	7
4. HWC to respond to the NID/Request to DEA&DP (to the relevant DEA&DP EIA case officer & citing the DEA&DP EIA Reference Number) & copy the applicant & practitioner, indicating: a) that Section 38(1)(c) of the NHRA is not triggered as there will be no change in the character of the site; or b) that Section 38(1) is triggered, but that an HIA will not be required; or c) that Section 38(1) is triggered, that an HIA will be required & must be undertaken as one of the specialist studies of the EIA, & the requirements in terms of the HIA (including which registered heritage conservation bodies to be consulted with). Note: - In term of a) and b) above, HWC should provide their final comments in terms of the development/activity or indicate whether HWC want to be further consulted with during the EIA process. - In terms of c), while an initial indication (interim comment) of the HIA requirements will be provided by HWC in response to the NID/request, the final requirements must be indicated when HWC provides comments to DEA&DP on the Pre-Application Basic Assessment Report (BAR). While HWC will also be provided with an opportunity to comment on the Draft BAR &, if applicable, the Revised BAR, ideally HWC's final comments will be submitted on the Draft BAR. If further comments are to be submitted by HWC based on the Revised BAR, HWC must provide such an indication to DEA&DP & the EAP and provide the comments to DEA&DP, & copied to the EAP, by the commenting deadline for the respective report. - If there is a need for the requirements for the HIA to be clarified, DEA&DP will liaise/meet with HWC to clarify the requirements; whereafter the applicant & practitioners will also be informed of the clarification.	HWC	14
5. If required, pre-application Consultation Meeting with the Applicant, EAP, Heritage Practitioner, DEA&DP & HWC for guidance on the procedural requirements.	EAP, Heritage Practitioner, Applicant, DEA&DP & HWC	within 21 days from receipt of the NOI
6. If Pre-Application Consultation Meeting held, DEA&DP & HWC to acknowledge the guidance provided in writing, including confirming the NEMA Application Fee Reference Number & the NHRA Scrutiny Fee Reference number.	DEA&DP & HWC	within 7 days of the meeting
7. EAP to compile the Pre-Application Basic Assessment Report (BAR) including the draft EMPr & the draft Heritage Impact Assessment (HIA).	EAP & Heritage Practitioner	56
8. Applicant to pay the NHRA HIA Scrutiny Fee to HWC.	Applicant	7
9. EAP to notify potential I&APs (incl. the relevant State departments & every organ of state that administers a law relating to a matter affecting the environment relevant to that application, as well as the relevant registered heritage conservation bodies) as required by EIA Regulation 41 of the proposed application & the opportunity to register as well as the 30-day period to comment on the Pre-Application BAR. DEA&DP & HWC must also be provided with copy of the Pre-Application BAR & be provided with the same 30-day period to comment.	EAP	30
10. DEA&DP to acknowledge receipt of the Pre-Application BAR.	DEA&DP	10
11. DEA&DP to provide comments on the Pre-Application BAR.	DEA&DP	30
12. HWC officials to provide interim comments on the Pre-Application BAR to DEA&DP, & copied to the EAP, indicating that: a) the procedural requirements in terms of the heritage impacts assessment have not been met & providing comment in terms of the shortcomings of the heritage assessment; or b) the procedural requirements in terms of the heritage impacts assessment have been met.	HWC	30
13. EAP to consider the comments received & compile the Draft BAR.	EAP	14
14. The Applicant to pay the NEMA Application Fee.	Applicant	7
15. EAP to submit the application for Environmental Authorisation to DEA&DP (together with the Proof of the Payment of the NEMA Application Fee).	EAP	7
16. DEA&DP to acknowledge receipt of the application.	DEA&DP	10
17. EAP to notify the Registered I&APs (incl. the State departments i.t.o. NEMA Section 24O & every organ of state that administers a law relating to a matter affecting the environment relevant to that application i.t.o. EIA Regulation 7(2)) of the availability of the Draft BAR for comments DEA&DP & HWC must also be provided with copy of the Draft BAR & be provided with the same 30-day period to comment.	EAP	30
18. DEA&DP to acknowledge receipt of the Draft BAR.	DEA&DP	10
19. DEA&DP to provide comments on the Draft BAR.	DEA&DP	30
20. HWC to provide comments on the Draft BAR to DEA&DP, & copied to the EAP, indicating that: a) the heritage impacts were not adequately assessed & providing only an interim comment in terms of the shortcomings of the heritage assessment; or b) the heritage impacts were adequately assessed & providing final comments on the heritage assessment & comments & recommendations in terms of the outcome of the application.	HWC	30
21. EAP to consider the comments received & to: 21.1. submit the Final BAR together with all the comments received to DEA&DP within 90 days of receipt of the application by DEA&DP - GO TO 22; OR 21.2. submit a notice to DEA&DP, copied to HWC, within 90 days of receipt of the application by DEA&DP that as significant changes have been made or significant new information has been added to the BAR, which changes or information was not contained in the Draft BAR, & as such a Revised BAR will be made available to the Registered I&APs for a commenting period of at least 30 days, following which the Revised BAR with the all the public participation information will be submitted within 140 days of receipt of the application by DEA&DP - GO TO 26.	EAP	Within 90 of receipt of the application by DEA&DP
If, as set out in 21.1 above, there is no need for a Revised BAR.		
22. FROM 21.1: DEA&DP to acknowledge receipt of the Final BAR.	DEA&DP	10
23. DEA&DP to review the Final BAR & to either grant or refuse Environmental Authorisation.	DEA&DP	Within 107 days of the date of receipt of the Final BAR
24. DEA&DP to inform the applicant & EAP of its decision, & copy HWC.	DEA&DP	5
25. Applicant to notify the Registered I&APs, including HWC, of outcome of the application & the right to appeal.	Applicant	14
If, as set out in 21.2 above, there is a Revised BAR.		
26. FROM 21.2: EAP to notify the Registered I&APs of the availability of the Revised BAR/EMPr for a commenting period of 30 days. DEA&DP & HWC must also be provided with copy of the Revised BAR & be provided with the same 30-day period to comment.	EAP	30
27. DEA&DP to acknowledge receipt of the Revised BAR.	DEA&DP	10
28. HWC to provide comments on the Revised BAR to DEA&DP, & copied to the EAP, indicating that: a) the heritage impacts were not adequately assessed & providing final comment in terms of the shortcomings of the heritage assessment; or b) the heritage impacts were adequately assessed & providing final comments on the heritage assessment & comments & recommendations in terms of the outcome of the application.	HWC	30
29. DEA&DP to provide comments on the Revised BAR.	DEA&DP	30
30. EAP to submit the Final BAR with the all the public participation information to DEA&DP within 140 days of receipt of the application by the DEA&DP.	EAP	Within 140 days of receipt of the application by DEA&DP
31. DEA&DP to acknowledge receipt of the Final BAR.	DEA&DP	10
32. DEA&DP to review the Final BAR & to either grant or refuse Environmental Authorisation.	DEA&DP	Within 107 days of the date of receipt of the Final BAR
33. DEA&DP to inform the applicant & EAP of its decision, and copy HWC.	DEA&DP	5
34. Applicant to notify the Registered I&APs, including HWC, of outcome of the application & the right to appeal.	Applicant	14



DEA&DP & HWC Operational Agreement/SOP (December 2015): Project Schedule for Scoping & Environmental Impact Assessment Reporting with a Pre-Application Scoping Report released for comment prior to submission of the application

Tasks to be performed	Responsibility	Number of days
1. EAP to submit the NEMA Notice of Intent to Apply to DEA&DP (together with, if applicable, the request for an Application Fee Reference Number & a request for pre-application guidance on the process to be followed). The EAP must also clearly indicate if Section 38(1) of the NHRA will be triggered or if the EAP/Heritage Practitioner is of the opinion that the development/ activity will not change the character of the site in terms of Section 38(1)(c) of the NHRA.	EAP	7
2. DEA&DP to acknowledge receipt of the Notice of Intent to Apply & provide a Reference Number.	DEA&DP	10
3. EAP / Heritage Practitioner to submit to HWC (& simultaneously submit a copy to DEA&DP): a) if Section 38(1) of the NHRA is triggered, a NID; or b) if the EAP / Heritage Practitioner is of the opinion that the development/activity will not change the character of the site, a request for confirmation of the applicability of Section 38(1)(c) of the NHRA; which NID/request must: i) a) if a NID, must be accompanied by the NID Scrutiny Fee; ii) clearly indicate that an EIA is required i.t.o. NEMA & therefore Section 38(8) of the NHRA is triggered; iii) provide the DEA&DP EIA Reference Number & Case Officer contact details; & iv) be accompanied by a copy of the EIA Notice of Intent to Apply Form submitted to DEA&DP & a copy of DEA&DP's letter or response. (Note: the copy to be submitted to DEA&DP does not have to contain a copy of the EIA Application Form or DEA&DP's letter of response.)	EAP/Heritage Practitioner	7
4. HWC to respond to the NID/Request to DEA&DP (to the relevant DEA&DP EIA case officer & citing the DEA&DP EIA Reference Number) & copy the applicant & practitioner, indicating: a) that Section 38(1)(c) of the NHRA is not triggered as there will be no change in the character of the site; or b) that Section 38(1) is triggered, but that an HIA will not be required; or c) that Section 38(1) is triggered, that an HIA will be required & must be undertaken as one of the specialist studies of the EIA, & the requirements in terms of the HIA (including which registered heritage conservation bodies to be consulted with). Note: - In term of a) and b) above, HWC should provide their final comments in terms of the development/activity or indicate whether HWC want to be further consulted with during the EIA process. - In terms of c), while an initial indication (interim comment) of the HIA requirements will be provided by HWC in response to the NID/request, the final requirements must be indicated when HWC provides comments to DEA&DP on the Pre-Application Scoping Report (SR). While HWC will also be provided with an opportunity to comment on the Draft SR. - If there is a need for the requirements i.t.o. the Terms of Reference for the HIA to be clarified, DEA&DP will liaise/meet with HWC to clarify the requirements; whereafter the applicant & practitioners will also be informed of the clarification.	HWC	14
5. If required, pre-application Consultation Meeting with the Applicant, EAP, Heritage Practitioner, DEA&DP & HWC for guidance on the procedural requirements.	EAP, Heritage Practitioner, Applicant, DEA&DP & HWC	within 21 days from receipt of the NOI
6. If Pre-Application Consultation Meeting held, DEA&DP & HWC to acknowledge the guidance provided in writing, including confirming the NEMA Application Fee Reference Number & the NHRA Scrutiny Fee Reference number.	DEA&DP & HWC	within 7 days of the meeting
7. EAP to compile the Pre-Application Scoping Report (SR) including the Plan of Study for EIA (including the TOR for the HIA).	EAP & Heritage Practitioner	56
8. Applicant to pay the NHRA HIA Scrutiny Fee to HWC.		
9. EAP to notify potential I&APs (incl. the relevant State departments & every organ of state that administers a law relating to a matter affecting the environment relevant to that application) as required by EIA Regulation 41 of the proposed application & the opportunity to register as well as the 30-day period to comment on the Pre-Application SR. DEA&DP & HWC must also be provided with copy of the Pre-Application SR & be provided with the same 30-day period to comment.	EAP	30
10. DEA&DP to acknowledge receipt of the Pre-Application SR.	DEA&DP	10
11. DEA&DP to provide comments on the Pre-Application SR.	DEA&DP	30
12. HWC officials to provide interim comments on the Pre-Application SR to DEA&DP, & copied to the EAP, indicating that: a) the HIA TOR is not adequate & providing comment in terms of the shortcomings; or b) the HIA TOR is adequate.	HWC	30
13. EAP to consider the comments received & compile the Draft SR.	EAP	14
14. The Applicant to pay the NEMA Application Fee.	Applicant	7
15. EAP to submit the application for Environmental Authorisation to DEA&DP (together with the Proof of the Payment of the NEMA Application Fee).	EAP	7
16. DEA&DP to acknowledge receipt of the application.	DEA&DP	10



17. EAP to notify the Registered I&APs (incl. the State departments i.t.o. NEMA Section 24O & every organ of state that administers a law relating to a matter affecting the environment relevant to that application as well as the relevant registered heritage conservation bodies i.t.o. EIA Regulation 7(2)) of the availability of the Draft SR for comments. DEA&DP & HWC must also be provided with copy of the Draft SR & be provided with the same 30-day period to comment.	EAP	30
18. DEA&DP to acknowledge receipt of the Draft SR.	DEA&DP	10
19. DEA&DP to provide comments on the Draft SR.	DEA&DP	30
20. HWC to provide comments on the Draft SR to DEA&DP, & copied to the EAP, indicating that: a) the HIA TOR is not adequate & providing comment in terms of the shortcomings; or b) the HIA TOR is adequate.	HWC	30
21. EAP to consider the comments received & to submit the Final SR together with all the comments received to DEA&DP within 44 days of receipt of the application by DEA&DP.	EAP	Within 44 days of receipt of the application by DEA&DP
22. DEA&DP to acknowledge receipt of the Final SR.	DEA&DP	10
23. DEA&DP to: 23.1. accept or conditionally accept the SR - GO TO 26; OR 23.2. refuse the application - GO TO 24.	DEA&DP	Within 43 days oif receipt of the Final SR
If, as set out in 23.2 above, the Application was refused following submission of the SR.		
24. DEA&DP to notify the applicant & EAP, & copy HWC, of the refusal of the application & the right to appeal.	DEA&DP	5
25. Applicant to notify the Registered I&Aps, incluidng HWC, of the refusal of the application & the right to appeal.	Applicant	14
If, as set out in 23.1 above, the SR was accepted or conditionally accepted.		
26. EAP to conduct the assessment in accordance with the accepted Plan of Study for EIA & compile the Draft EIA Report (incl. the EMPr & HIA).	EAP	60
27. EAP to notify the Registered I&APs (including the relevant registered heritage conservation bodies) of the availability of the Draft EIA Report (incl. the EMPR & HIA) for a 30-day commenting period. DEA&DP & HWC must also be provided with copy of the Draft EIA Report & be provided with the same 30-day period to comment.	EAP	30
28. DEA&DP to acknowledge receipt of the Draft EIA Report.	DEA&DP	10
29. DEA&DP to provide comments on the Draft EIA Report.	DEA&DP	30
30. HWC officials to provide comments on the Draft EIA Report to DEA&DP, & copied to the EAP, indicating that: a) the heritage impacts were not adequately assessed & providing only an interim comment in terms of the shortcomings of the heritage assessment; or b) the heritage impacts were adequately assessed & providing final comments on the heritage assessment & comments & recommendations in terms of the outcome of the application.	HWC	30
31. EAP to consider the comments received & to submit a notice to DEA&DP within 106 days of acceptance of the SR by DEA&DP that seeing as the comments submitted by the registered heritage conservation bodies (or significant other new information has been added to the EIA Report or any other significant changes have been made to the Draft EIA Report, which changes or information was not contained in the Draft EIA Report, & as such a Revised EIA Report will be made available to the Registered I&APs including Heritage Western Cape for a commenting period of at least 30 days, following which the Final EIA Report with the all the public participation information will be submitted within 156 days of acceptance of the SR by DEA&DP.	EAP	Within 106 days of acceptance of the SR by DEA&DP
Due to the comments of the registered heritage conservation bodies on the Draft EIA Report not being available to Heritage Western Cape, a Revised EIA Report which will contain the comments of the registered heritage conservation bodies, must be made available to all the I&APs (including Heritage Western Cape.		
32. EAP to notify the Registered I&APs of the availability of the Revised EIA Report for a commenting period of 30 days. DEA&DP & HWC must also be provided with copy of the Revised EIA Report & be provided with the same 30-day period to comment.	EAP	30
33.DEA&DP to acknowledge receipt of the Revised EIA Report.	DEA&DP	10
34. DEA&DP to provide comments on the Revised EIA Report.	DEA&DP	30
35. HWC to provide comments on the Revised EIA Report to DEA&DP, & copied to the EAP, indicating that: a) the heritage impacts were not adequately assessed & providing comment in terms of the shortcomings of the heritage assessment & comments & recommendations in terms of the outcome of the application; or b) the heritage impacts were adequately assessed & providing final comments on the heritage assessment & comments & recommendations in terms of the outcome of the application.	HWC	30
36. EAP to consider the comments received and submit the Final EIA Report (incl. EMPr) together with all the public participation information within 156 days of the acceptance of the SR by DEA&DP.	EAP	Within 156 days of the date of acceptance of the SR by DEA&DP
37. DEA&DP to acknowledge receipt of the Final EIA Report.	DEA&DP	10
38. DEA&DP to either grant or refuse Environmental Authorisation.	DEA&DP	Within 107 days of the date of receipt of the Final EIA Report
39. DEA&DP to inform the applicant & EAP, & copy HWC, of its decision & the right to appeal.	DEA&DP	5
40. Applicant to notify the Registered I&Aps, including HWC, of outcome of the application & the right to appeal.	Appplicant	14