

12 SOUTH AFRICA

“Please note that the lists of activities requiring a Basic Assessment or EIA shown in Appendices 12-1 and 12-2 respectively, reflect the latest published lists of R386 and R387 dated 3rd July 2009. The July amendments only relate to waste activities which have been deleted from the EIA Regulations because they are now included in the National Environment Management: Waste Management Act lists. The other amendments to these regulations, based on comments received, have not yet been gazetted. The reader is advised to check with the Department of Environment Affairs for the latest update.”

12.1 Constitutional Requirements for Environmental Protection in South Africa

The Government of South Africa is constituted as having national, provincial and local spheres which are distinct, but interdependent and interrelated. The Constitution allocates legislative and administrative functions to all these spheres of government, giving a wide range of government agencies responsibility for environmental management.¹

Environmental provisions are included in the Bill of Rights in Chapter 2 of the Constitution of South Africa Act (No. 108 of 1996). In terms of Section 24 of the Act, everyone has the right:

- “(a) to an environment that is not harmful to their health or well-being; and
- (b) to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that:
- prevent pollution and ecological degradation;
 - promote conservation; and
 - secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development.”

The Bill of Rights in Chapter 2 of the Constitution entrenches the right to information; the right to freedom of expression; the right to participate in political activity; the right to administrative justice; and fundamental science, cultural, legal, economic and environmental rights. In addition, the Constitution requires that all legislatures facilitate public involvement in the legislative and other policy processes. Citizens have the right to engage in public initiatives and processes on an ongoing basis.

¹ Government of the Republic of South Africa (1996). *Constitution of South Africa*. Government Printer, Pretoria.

12.2 Institutional and Administrative Structure for EIA in South Africa

12.2.1 Department of Environment Affairs

Following the national elections in 2009, the administration of environmental matters has been restructured: the former Department of Environmental Affairs and Tourism has been split and the environmental affairs component has been joined with water under the direction of the Minister of Water and Environmental Affairs (DWEA). Within this new ministerial function, there are two autonomous departments, namely, the Department of Water Affairs (DWA) and the Department of Environmental Affairs (DEA). DEA remains responsible for Environmental Impact Assessment (EIA) at both national and provincial levels. Policy formulation and coordination takes place at national level, while approval of EIAs for most development proposals has been devolved to the provinces.

The National Environmental Management Act, No 107 of 1998, makes provision for two advisory and co-ordinating bodies to be established: the National Environmental Advisory Forum and the Committee for Environmental Co-ordination.

National Environmental Advisory Forum

The National Environmental Management Act (NEMA) makes provision in Part 1 of Chapter 2 for the establishment of the National Environmental Advisory Forum (NEAF). The aim of NEAF, which was established in 2005, is to advise the Minister on any matter concerning environmental management and governance, specifically the setting and achievement of objectives and priorities for environmental governance, and appropriate methods of monitoring compliance with the principles set out in section 2 of the Act (see Section 12.3.2 of this Handbook). The Forum will also inform the Minister of the views of the stakeholders regarding the application of the principles set out in section 2 of the Act.

Committee for Environmental Co-ordination

Part 2 of Chapter 2 of NEMA also makes provision for the formation of a Committee for Environmental Co-ordination (CEC), to promote the integration and coordination of environmental functions by the relevant organs of state and in particular, to promote the purpose and objectives of environmental management plans. The CEC has not yet been constituted.²

12.2.2 Roles and Responsibilities

National Department of Environmental Affairs

² As of March 2007.

As noted above, most development project EIAs must be submitted to the responsible Provincial Departments, as the competent authorities, with the exception of the following instances, when the Minister takes on the role of the competent authority³:

- When the project has implications for national environmental policy or international commitments or relations (e.g. if the project will impact on the SADC Shared Water Resources Protocol or Ramsar obligations);
- If the project will take place within an area identified as a special geographic area as a result of the obligations resting on the state in terms of any international environmental instrument, other than any area falling within the seashore, a conservancy, a protected natural environment, a proclaimed private nature reserve, a natural heritage site or the buffer zone or transitional area of a biosphere reserve or a world heritage site;
- If the project will affect more than one province or traverse international boundaries (e.g. if a dam for a hydro-electric scheme were to flood areas in two or more provinces);
- When the project is to be undertaken by a national department, a provincial department of environmental affairs or a statutory body performing an exclusive competence of the national sphere of government e.g. Eskom;
- If the project is situated within a national proclaimed protected area or other conservation area under control of a national authority (s. 24C(2) of the NEM: Second Amendment Act, 2004).

In addition, the national DEA, being the lead agent for environmental management, is responsible for:

- Developing and enforcing compliance with environmental policy;
- Developing and implementing an integrated and holistic environmental management system;
- Coordinating and supervising environmental functions in all spheres of government; and
- Developing and enforcing an integrated and comprehensive regulatory system.

Up until now, mining authorisations, including environmental authorisations for mining, were issued under the Minerals and Petroleum Resources Development Act, No 28 of 2002

³ S. 24(C) (2) of NEM: Second Amendment Act of 2004

(MPRDA) and DEA was merely a commenting agency. However, this is going through a 3-stage process of change in terms of the new provisions in the NEMA Amendment Act (Act 62 of 2008), and corresponding amendments to the MPRDA (still in progress). The three stages are:

Phase 1: the current status quo will remain until the MPRDA amendments come into effect;

Phase 2: for a period of 18 months after the MPRDA amendments come into effect, all new mining, exploration and production rights applications and renewals thereof, will have to comply with the NEMA EIA Regulations, but the competent authority will remain the Minister of Mineral Regulation. However, any appeals would be heard by the Minister for Water and Environmental Affairs;

Phase 3: thereafter, it is proposed that the DEA becomes the competent authority, but this is still under negotiation between the respective Departments.

Provincial Departments

In terms of section 42(1) of the National Environmental Management Act (NEM): First Amendment Act of 2003, the Minister of Water and Environmental Affairs can designate the provinces as competent authorities (CAs), i.e. they are empowered to authorise development activities in terms of the EIA regulations. The provinces may, in turn, devolve this competency to their local authorities, as provided for in s.42A(1)(c) of NEM: First Amendment Act of 2003. The EIA administration function in most provinces is located within portfolios dealing with natural resource management, rural development, tourism, conservation, economic development or agriculture. The Provincial departments are listed below:

Eastern Cape: Dept of Economic Development and Environmental Affairs
Free State: Dept of Economic Development, Tourism and Environmental Affairs
Gauteng: Dept of Agriculture and Rural Development
KwaZuluNatal: Dept of Agriculture, Environmental Affairs and Rural Development
Limpopo: Dept of Economic Development, Environment and Tourism
Mpumalanga: Dept of Economic Development, Environment and Tourism
NW Province: Dept of Agriculture, Conservation, Environment and Rural Development
Northern Cape: Dept of Environmental Affairs and Nature Conservation
Western Cape: Dept of Environmental Affairs and Development Planning.

In terms of the new EIA Regulations (see section 12.3.3 below), the Authorities are required to perform a number of functions and within certain time frames. The main obligations of the provincial departments are:

- To provide the applicant with any relevant guidelines and information;
- To advise the applicant on the nature and processes that must be followed in order to comply with the Act and Regulations;
- To consult with other competent authorities and other organs of state to avoid duplication of effort;
- Receive and acknowledge receipt of applications within the stipulated timeframe (see Table 12.1);

Table 12.1: Authority Decision Making Time Frame for Basic Assessments and EIAs

Decision and/or Action Required by Authorities	Time Frame for Basic Assessment Reports (days)	Time Frame for EIAs (days)
Acknowledge receipt of application	14	14
Review application and make a decision to grant authorisation	30	30 days for scoping report 60 days for EIA report 45 days to grant authorisation [#]
<i>Extension if decision-making timeframe is missed</i>	<i>60</i>	<i>60</i>
<i>Review of additional information (if required) and make a decision</i>	<i>30</i>	<i>30 days for scoping report 60 days for EIA report</i>
Notify the applicant of the decision	2	2
Minimum days required (if all information is provided first time, the CA meets the timeframe and no review required)	46	106

[#] If the report was sent for specialist review, 45 days are allowed to grant authorisation from the date of receipt of the review report

- When considering an application, the CA must ensure that the application complies with the formal requirements of the Regulations and must themselves:⁴
 - (a) comply with the Act, EIA Regulations and all other applicable legislation; and
 - (b) take into account all relevant factors, including:
 - (i) any pollution, environmental impacts or environmental degradation likely to be caused if the application is approved or refused;
 - (ii) the impact on the environment of the activity which is the subject of the application, whether alone or together with existing operations or activities;
 - (iii) measures that could be taken:

⁴ Regulation 8 of the EIA Regulations, R385 of April 2006.

- (aa) to protect the environment from harm as a result of the activity which is the subject of the application; and
 - (bb) to prevent, control, abate or mitigate any pollution, environmental impacts or environmental degradation;
 - (iv) the ability of the applicant to implement mitigation measures and to comply with any conditions subject to which the application may be granted;
 - (v) any feasible and reasonable alternatives to the activity which is the subject of the application and any feasible and reasonable modifications or changes to the activity that may minimise harm to the environment;
 - (vi) any information and maps and/or any environmental management frameworks, to the extent that such information and maps and frameworks are relevant to the application;
 - (vii) the information contained in the application form, reports, comments, representations and other documents submitted in terms of the Regulations to the competent authority in connection with the application;
 - (viii) any comments received from organs of state that have jurisdiction over any aspect of the activity which is the subject of the application;
 - (ix) any guidelines that are relevant to the application;
 - (x) the need for and desirability of the activity; and
 - (xi) Any matters referred to in s.24(4)(a) and (b) of the Act.
- Review the application within the stipulated timeframe (see Table 12.1) and make a decision in writing:
 - (a) requesting additional information before an informed decision can be made;
 - (b) granting authorisation in respect of all or part of the activity applied for; or
 - (c) refusing authorisation in respect of all or part of the activity.
 - After a CA has reached a decision on an application, they must, in writing and within **2 days**:⁵
 - (a) notify the applicant of the decision;
 - (b) give reasons for the decision to the applicant; and

⁵ Regulation 10.

- (c) draw the attention of the applicant to the fact that an appeal may be lodged against the decision.
- If the CA grants an environmental authorisation, it must contain the following information:⁶
 - (a) the name, address and telephone number of the person to whom the authorisation is issued;
 - (b) a description of the activity that is authorised;
 - (c) a description of the property on which the activity is to be undertaken and the location of the activity on the property, or if it is:
 - (i) a linear activity, a description of the route of the activity; or
 - (ii) an ocean-based activity, the coordinates within which the activity is to be undertaken; and
 - (d) the conditions subject to which the activity may be undertaken, including conditions determining:
 - (i) the period for which the environmental authorisation is valid, if granted for a specific period;
 - (ii) requirements for the management, monitoring and reporting of the impacts of the activity on the environment throughout the life cycle of the activity; and
 - (iii) the transfer of rights and obligations when there is a change of ownership in the property on which the activity is to take place.
- An environmental authorisation may:⁷
 - (a) provide that the authorised activity may not commence before specified conditions are complied with;
 - (b) require the holder of the authorisation to furnish the CA with reports prepared by the holder of the authorisation or a person who is independent, at specified times or intervals:
 - (i) indicating the extent to which the conditions of the authorisation are or are not being complied with;
 - (ii) providing details of the nature of, and reasons for, any non-compliance with a condition of the authorisation; and
 - (iii) describing any action taken, or to be taken, to mitigate the effects of any non-compliance or to prevent any recurrence of the non-compliance;

⁶ Regulation 38(1).

⁷ Regulation 38(2).

- (c) require the holder of the authorisation to furnish the CA with environmental audit reports on the impacts of the authorised activity on the environment, at specified times or intervals or whenever requested by the competent authority;
 - (d) where applicable (for mining), require the holder of the authorisation to furnish the CA with proof of compliance with the requirements regarding financial provisions;
 - (e) where applicable (for mining), require the holder of the authorisation to furnish the CA with proof of compliance with the requirements regarding closure; and
 - (f) include any other condition that the CA considers necessary for the protection of the environment.
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- The CA can amend and/or withdraw an environmental authorisation under certain conditions;⁸
 - The CA may also decide whether to accept an application by the proponent to amend their environmental authorisation.⁹
 - The CA may amend an environmental management programme if necessary or desirable to protect the environment, to achieve prescribed standards or to ensure compliance with the authorisation.¹⁰
 - The CA must review and make a decision on any application from an applicant to exempt themselves from the requirements of the EIA regulations and to review that exemption status from time to time.
 - The CA may suspend an environmental authorisation if there are reasonable grounds for believing that the contravention or non-compliance causes or will cause harm to the environment and human rights, that the EA was obtained fraudulently or that the activity has ceased.¹¹

Project Proponents and Developers

Before applying for environmental authorisation for an activity, an applicant must appoint an Environmental Assessment Practitioner (EAP) at his/her own cost to manage the application.¹² The applicant must make sure that the EAP to be appointed is independent and has the necessary expertise to perform the work and to comply with the necessary legal requirements.

⁸ Regulations 39, 44-46.

⁹ Regulations 40-43.

¹⁰ Regulation 47.

¹¹ Regulation 48.

¹² Regulation 17.

The applicant must also provide the EAP with all relevant documentation relating to the proposed development.

Environmental Assessment Practitioners (EAPs)

An EAP appointed by the applicant must be:¹³

- independent;
- have expertise in conducting environmental impact assessments, as well as knowledge of NEMA, the EIA Regulations and any guidelines that have relevance to the proposed activity;
- perform the work relating to the application in an objective manner, even if this results in views and findings that are not favourable to the applicant;
- comply with all relevant legislation;
- take into account all potential impacts of the proposed development, consider alternatives, all comments and concerns raised by interested and affected parties (I&APs) and all other related planning documentation, reports etc which may be relevant to the study;
- disclose to the applicant and the competent authority all material information in the possession of the EAP that reasonably has or may have the potential of influencing any decision and/or the objectivity of the report.

If the CA has at any time, reason to believe that the EAP may not be independent, the CA must instigate an investigation and if, after considering all representations made, may refuse to accept any further work from the EAP, and/or the CA may request the applicant to conduct an external review at his own cost, and/or may request the applicant to appoint another EAP to redo and complete the application. In the latter instance, the applicant must also notify all registered I&APs of the change in EAP.¹⁴

12.3 Policy and Legal Framework for EIA

12.3.1 Environmental Management Policy

In view of the constitutional requirements, the then Department of Environment Affairs and Tourism published its Environmental Management Policy in July 1997 after an extensive two-year consultative process. The Policy sets out a vision, the principles, strategic goals and objectives, issues of governance and an implementation programme. Besides defining environment as including biophysical, cultural, economic, political and social dimensions, the

¹³ Regulation 18.

¹⁴ Regulation 19.

Policy states that people are part of the environment and at the centre of concerns for its sustainability.¹⁵

12.3.2 The National Environmental Management Act

The National Environmental Management Act (NEMA) (No. 107 of 1998) was promulgated to give effect to the Environmental Management Policy. The Act repealed most of the Environment Conservation Act (No. 73 of 1989). Subsequently, NEMA has been amended on several occasions by the National Environmental Management Amendment Act of 2003, the National Environmental Management Second Amendment Act, No 8 of 2004, which came into operation on 7th January 2005 and amends section 24 of NEMA and the NEM Amendment Act, No 62 of 2008, which came into effect on 1st May 2009. The latter also largely affects section 24 of the original 1998 Act.

The aim of NEMA is to provide for co-operative environmental governance by establishing principles for decision making on matters affecting the environment, institutions that will promote co-operative governance and procedures for co-ordinating environmental functions exercised by organs of state.

NEMA is divided into ten chapters as follows:

- Chapter 1: National environmental management principles
- Chapter 2: Institutions
- Chapter 3: Procedures for co-operative governance
- Chapter 4: Fair decision making and conflict management
- Chapter 5: Integrated environmental management
- Chapter 6: International obligations and agreements
- Chapter 7: Compliance, enforcement and protection
- Chapter 8: Environmental management co-operation agreements
- Chapter 9: Administration of Act

¹⁵ Nexant, (2006). *Guidelines for Environmental Assessment of Hydropower Projects in SADC*. South African Chapter. In prep.

Chapter 10: General and transitional provisions

The principles set out in Section 2 of Chapter 1, underpin all other related Acts and policies and form the basis for sustainable development in the country. The principles apply to all organs of state that may have a significant affect on the environment through their actions. The principles are summarised as follows:

- 2(2) Environmental management must place people and their needs at the forefront of its concern, and serve their physical, psychological, developmental, cultural and social interests equitably.
- 2(3) Development must be socially, environmentally and economically sustainable.
- 2(4)(a) Sustainable development requires the consideration of:
 - i. The avoidance or minimization and remediation of disturbance to biological diversity;
 - ii. The avoidance or minimization and remediation of pollution of the environment;
 - iii. The avoidance or minimization and remediation of disturbance of landscapes and sites that constitute the nation's cultural heritage;
 - iv. The avoidance of waste, or where it cannot be avoided, consideration of minimization, re-use or recycling;
 - v. That the use and exploitation of non-renewable resources is responsible and equitable
 - vi. That the development use and exploitation of renewable resources is within sustainable limits;
 - vii. That a risk-averse and cautious approach is applied;
 - viii. That negative impacts on the environment and on peoples' environmental rights should be anticipated and prevented or minimised and remedied.
- 2(4)(b) Environmental management must be integrated and the best practicable environmental option should be pursued.
- (c) Environmental justice should be pursued so that adverse environmental effects are not distributed in such a way as to unfairly discriminate against any person, particularly the most vulnerable.
- (d) Equitable access to environmental resources, benefits and services to meet basic human needs and human well-being should be given due consideration.

- (e) Responsibility for the environmental health and safety consequences of all policies, programmes, projects, products, processes, services and activities exists throughout the life cycle.
- (f) Public participation is promoted, as well as building capacity amongst the most vulnerable and disadvantaged so that they can have meaningful participation.
- (g) Decisions must take into account the interests, needs and values of all interested and affected parties, including the recognition of traditional and ordinary knowledge.
- (h) Community wellbeing and empowerment must be promoted through a variety of programmes.
- (i) Social, economic and environmental impacts must be considered, assessed and evaluated and decisions must be appropriate to the impact assessment findings.
- (j) Workers have a right to refuse to do work that may be harmful to human or environmental health.
- (k) Decisions must be made in a transparent and open manner and access to information must be provided in accordance with the relevant laws e.g. the Promotion of Access to Information Act, No 2 of 2000.
- (l) There must be inter-governmental co-ordination and harmonization of policies, legislation and actions relating to the environment.
- (m) Conflicts of interest between departments should be resolved through conflict resolution procedures.
- (n) Global or international responsibilities relating to the environment must be discharged in the national interest.
- (o) The environment is held in trust for the people and the beneficial use of resources must serve the public interest and the environment must be protected as the people's common heritage.
- (p) The costs of remedying pollution, environmental degradation and consequent adverse health effects and of preventing, controlling or minimizing further pollution, environmental damage or adverse health effects must be paid for by those responsible for harming the environment.
- (q) The role of women and youth in environmental management must be recognized and promoted.
- (r) Sensitive, vulnerable, highly dynamic or stressed ecosystems require specific attention in management and planning procedures, especially where they are subject to significant human resources usage and development pressure.

12.3.3 Regulations

In April 2006, the old EIA Regulations made in terms of the Environment Conservation Act, No 73 of 1989 were replaced by new EIA Regulations made in terms of Chapter 5 of NEMA. These regulations, set out in Government Notices R365 (process), R386 (Basic Assessment listed activities) and R387 (EIA listed activities) have subsequently been revised based on comments received from all stakeholders, the need to accommodate mining activities and the need to align with the NEMA Amendment Acts and other national environmental management (NEM) Acts. The new regulations were sent out for comment in February 2009 and in October, DEA issued amended lists of activities in notices R386 and R387 as of 3 July 2009¹⁶. These amended listing notices may be found in Appendices 12-1 and 12-2

Draft Notice 165 of 13th February 2009 sets out the processes that have to be followed in order to obtain an **Environmental Authorisation**, while draft Listing Notice 168 lists those activities which would require authorisation if they were to be carried out in specified geographical areas.

The steps required to produce a Basic Assessment Report or to conduct an EIA under these regulations are described in section 12.4 of this Handbook.

The regulations are prescriptive in terms of: the time that should be taken by officials to arrive at decisions, as well as the contents of the two types of reports (see section 12.4 below), public participation and the use of environmental assessment professionals.

12.3.4 Permits and Licences

An **Environmental Authorisation** is required before a developer can undertake any activity listed in the Listing Notices 1, 2 and 3, as shown in Appendices 12-1, 12-2 and 12-3 of this Handbook respectively. In addition to this, there are several other permits, licences or authorisations required, depending on the type of activity contemplated. The main ones are listed in Table 12.2 below.

Table 12.2: Environmental Permits and Licences

Act, Regulation or Byelaw	Permit or Licence	Requirements	Implementing Agency
National Water Act, 36 of 1998, as amended	Water Use Licence	Required for the abstraction, storage, use, diversion, flow reduction and disposal of water and effluent	Dept of Water
National Environmental	Atmospheric Emission	No listed activity in terms of the	Municipalities

¹⁶ The revised lists of activities in R386 and R387 reflect the comments made by the public in reaction to draft Listing Notices 166 and 167 of 13 February 2009.

Act, Regulation or Byelaw	Permit or Licence	Requirements	Implementing Agency
Management: Air Quality Act, 39 of 2004	Licence	Act can take place without a Licence	
NEM: Waste Act, 59 of 2008	Waste Licence	A licence is required to establish and operate a waste disposal site. The Waste Management Series Guidelines issued by DWAF must be followed in order to obtain a Licence	DEA: Directorate: Integrated Pollution Prevention and Waste Management
National Forests Act, 84 of 1998	Forest Licence	A licence is required to cut, damage or destroy any listed indigenous trees.	Dept of Agriculture, Forestry and Fisheries
Mineral and Petroleum Resources Development Act, 28 of 2004	Prospecting Right Mining Right Mining Permit	Authorisation is required to explore, prospect for and mine any mineral.	Dept of Mineral Regulation
Mineral and Petroleum Resources Development Act, 28 of 2004	Reconnaissance Permit Exploration Right Production Right	Authorisation is required to carry out reconnaissance and exploration activities for oil and gas and to produce such oil and gas	Dept of Mineral Regulation (DMR)
Mineral and Petroleum Resources Development Act, 28 of 2004 and the Mine Health and Safety Act, 29 of 1996	Blasting Permit	Permit is required for any blasting activity	DMR
National Heritage Resources Act, 25 of 1999	Permit	Permits are required for any development which may affect heritage resources such as graves, wrecks, old buildings etc	South African Heritage Resources Agency (SAHRA)

12.3.5 Penalties

Section 85(1) of the EIA Regulations states that a person is guilty of an offence if that person:

- (a) provides incorrect or misleading information in any document submitted in terms of the Regulations to a competent authority;
- (b) fails to comply with regulation 7(2) (disclosure of information to the competent authority);
- (c) fails to comply with a request to submit an environmental audit report in terms of regulation 83(2);
- (d) contravenes or fails to comply with any conditions granted in an authorised exemption (as provided for in Chapter 5 of the EIA Regulations); or

- (e) continues with an activity where the environmental authorisation was withdrawn in terms of regulation 53 or suspended in terms of regulation 50.

Section 85(2) states that a person is liable on conviction of an offence in terms of sub-regulation (1) to imprisonment for a period not exceeding two years or to a fine not exceeding an amount prescribed in terms of the Adjustment of Fines Act, 1991 (Act No. 101 of 1991).

12.3.6 Fees

While the regulations have made provision for fees to be charged for various review functions, no fees have been prescribed at the time of writing (August 2009). However, an investigation into the development of a fee structure has been undertaken by DEA.

12.3.7 Guidelines

In South Africa, **sector** EIA guidelines are being developed for: roads, energy, agri-industry, housing and linear developments (other than roads). These guidelines will be finalised as soon as the new EIA Regulations are promulgated.

The Department has also published an Integrated Environmental Management (IEM) Information Series which comprises 16 separate guidelines on all aspects of environmental management, including: IEM in general, screening, scoping, stakeholder engagement, specialist studies, impact significance, ecological risk assessment, cumulative effects assessment, cost benefit analysis, life cycle assessment, SEA, alternatives, EMPs, EIA review, auditing, EI Reporting and environmental economics.

Some of the provinces have developed specific guidelines e.g. Western Cape has published a series of guidelines on specialist involvement in EIA processes.

In addition to the above, s. 24J of NEMA makes provision for the Minister or the MEC of a Province to publish national and provincial guidelines with regard to:

- (a) any environmentally sensitive area;
- (b) any particular type of environmental impact;
- (c) any particular kind of activity; and

- (d) any particular process.

While these Guidelines are not legally binding, they must be taken into account when preparing, submitting, processing or considering any application for an environmental authorisation.¹⁷

12.3.8 Environmental Standards

South Africa has developed its own effluent and emission standards. These are contained in a number of documents which are listed in Table 12.3.

Table 12.3: South Africa Effluent and Emission Standards and Guidelines

Air Quality
Ambient Air Quality – Limits for Common Pollutants. SANS 1929:2005
Standards for other prioritized pollutants in prep. Until then, transitional standards are in place based on the old Atmospheric Pollution Prevention Act guidelines.
Solid Waste
Minimum Requirements for the Handling, Classification and Disposal of Hazardous Waste. 2 nd ed. 1998
Minimum Requirements for Waste Disposal by Landfill, 3 rd ed. 2005
Minimum Requirements for Water Monitoring at Waste Management Facilities, 3 rd ed. 2005
White Paper of Integrated Pollution and Waste Management for S.A, March 2000.
Water Quality
Drinking Water Specifications. SANS 241
South African Water Quality Guidelines series, Volumes 1-7
Catchment Management Series.
Noise
The Measurement and Rating of Environmental Noise with Respect to Land Use, Health, Annoyance and Speech Communications. SANS 10103:2004
Methods for Environmental Noise Impact Assessments. SANS 10328:2003
Local government regulations.

12.3.9 Certification of Consultants

While section 24(H) of NEM: Second Amendment Act (Act 8 of 2004) allows for a system of registration of environmental assessment practitioners (EAPs), South Africa does not yet have a formal, statutory certification body and register of EAPs. However, several attempts have been made to set up a voluntary certification scheme, the most accepted of which is known as the Interim Certification Board. However, a considerable amount of work has gone into the development of a formal registration body in terms of s. 24(H). The new body will be called the Environmental Assessment Practitioners Association of South Africa (EAPASA)

¹⁷ Regulation 78.

and it is hoped that the application to the Minister to recognise EAPASA as the official registration body will be submitted in September/October 2009. EAPs will then be given a 3 year period in which to register so that they can legally practice. In preparation for the advent of EAPASA, the DEA has agreed on a general qualification standard for EAPs with the assistance of the SA Qualification Authority (SAQA).

The issue of reciprocity regarding the recognition of certified practitioners between South Africa and other countries has yet to be clarified.

In the meantime, in terms of the EIA regulations, the only specified requirement for EAPs is that they must be independent, have the necessary expertise in conducting EIAs, have an understanding of the legal requirements, perform work in an objective manner and take into account the issues listed in s.18(a) of the EIA Regulations.

12.4 EIA Procedural Framework in South Africa

12.4.1 Screening

An impact assessment must be conducted in South Africa for all activities that may have an impact on the environment. An activity is defined as any development action that is likely to result in a significant environmental impact as identified in the schedules contained in the Listing Notices, or in any other notice published by the Minister or MEC in terms of s.24D of NEMA.

The EIA Regulations distinguish between two types of assessment, either a basic assessment, or a scoping and environmental impact assessment. The schedule of activities requiring a Basic Assessment Report (BAR), are listed in the amended R386, found in Appendix 12-1 and the schedule listing those activities which must go through the full EIA process (R387) is found in Appendix 12-2 of this Handbook. Those activities which are located in specified geographic areas which require an EIA are listed in (Appendix 12-3).

12.4.2 Basic Assessment Process and Report Contents

A number of key steps are required during the Basic Assessment process as set out in sections 22-26 of the EIA Regulations. These are shown schematically in Figure 12.1 and are summarised below.

Steps to be taken before submission of application (Reg.22)

If basic assessment must be applied to an application, the Environmental Assessment Practitioner (EAP) managing the application must, before submitting the application to the competent authority:

- (a) conduct a public participation process;
- (b) open and maintain a register of interested and affected parties (see section 12.4.4 below);
- (c) consider all objections and representations received from interested and affected parties (I&APs) during the public participation process and subject the proposed application to basic assessment by assessing:
 - (i) the potential impacts of the activity on the environment;
 - (ii) whether and to what extent those impacts can be mitigated; and
 - (iii) whether there are any significant issues and impacts that require further investigation;
- (d) prepare a basic assessment report (BAR) in accordance with Regulation 23 (see below); and
- (e) give all registered interested and affected parties an opportunity to comment on the basic assessment report in accordance with regulation 61 (see section 12.4.4 below).

Content of basic assessment reports (Reg. 23)

A basic assessment report (BAR) must contain all the information that is necessary for the competent authority to consider the application and to reach a decision. It must include:

- (a) details of the Environmental Assessment Practitioner (EAP) who prepared the report; and the expertise of the EAP to carry out basic assessment procedures;
- (b) a description of the proposed activity;
- (c) a description of the property on which the activity is to be undertaken and the location of the activity on the property, or a description of the route if it is a linear activity or the coordinates if the activity is at sea;
- (d) a description of the environment that may be affected by the proposed activity and the manner in which the geographical, physical, biological, social, economic and cultural aspects of the environment may be affected by the proposed activity;
- (e) an identification of all policies, legislation and relevant guidelines that have been considered in the preparation of the basic assessment report;
- (f) details of the public participation process including:
 - (i) the steps that were taken to notify potentially interested and affected parties of the proposed application;
 - (ii) proof that notice boards, advertisements and notices notifying potentially interested and affected parties of the proposed application have been displayed, placed or given;

- (iii) a list of all persons, organisations and organs of state that were registered as interested and affected parties in relation to the application; and
- (iv) a summary of the issues raised by interested and affected parties, the date of receipt of and the response of the EAP to those issues;
- (g) a description of the need and desirability of the proposed activity and any identified alternatives to the proposed activity that are feasible and reasonable, including the advantages and disadvantages that the proposed activity or alternatives will have on the environment and on the community that may be affected by the activity. If no alternatives are identified or presented, the EAP must provide the CA with a detailed, written motivation as to why none have been identified and assessed;
- (h) a description and assessment of the significance of any environmental impacts, including cumulative impacts, that may occur as a result of the undertaking of the activity or identified alternatives or as a result of any construction, erection or decommissioning associated with the undertaking of the activity;
- (i) any environmental management and mitigation measures proposed by the EAP;
- (j) any inputs made by specialists to the extent that may be necessary;
- (k) a draft EMP which must include measures to rehabilitate the affected environment to its natural or predetermined state, or to a land use which generally conforms with the principles of sustainable development (Reg. 34 (a)-(g));
- (l) any specific information required by the competent authority; and
- (m) any other matters required in terms of s.24(4)(a) and (b) of the Act.

Submission of application to competent authority (Reg. 24)

Once the BAR has been completed, the EAP managing the application should complete the application form for environmental authorisation and submit it to the competent authority, together with the prescribed fee, if any, and:

- (i) the basic assessment report;
- (ii) copies of any representations, objections and comments received in connection with the application or the basic assessment report;
- (iii) copies of the minutes of any meetings held by the EAP with interested and affected parties and other role players which record the views of the participants;
- (iv) any responses by the EAP to those representations, objections, comments and views;
- (v) a declaration of interest by the EAP on a form provided by the competent authority; and
- (vi) any other documents referred to in Reg. 13(2)(b).

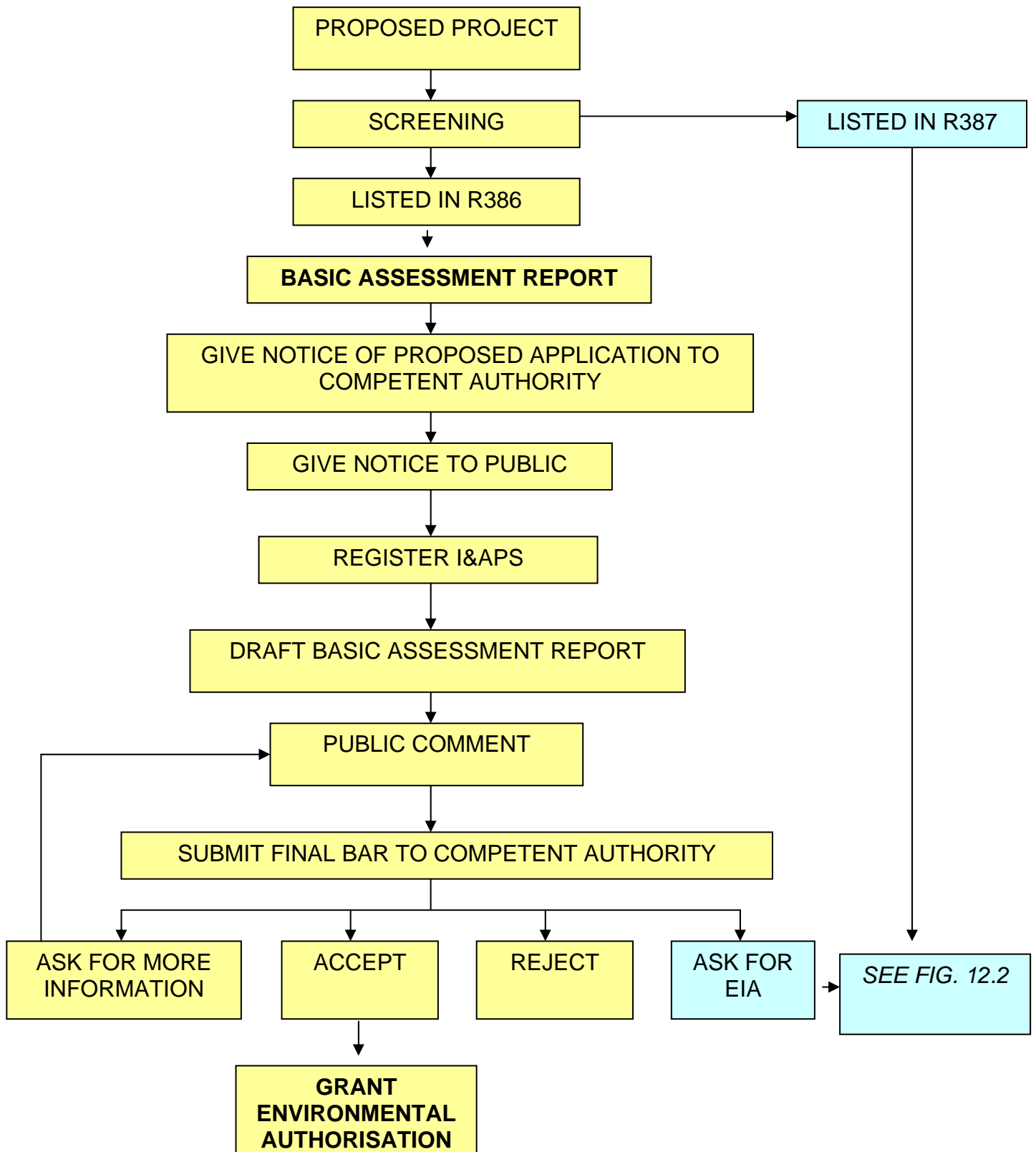


FIGURE 12.1: BASIC ASSESSMENT PROCESS

12.4.3 Scoping and EIA Process

If the proposed activity is contained in the list in R387 (Appendix 12-2), the applicant must follow the full EIA process, which comprises a scoping phase, an EIA report, specialist studies, public participation and an EMP. The steps required are shown schematically in Figure 12.2 and are summarised below.

Submission of Application to Competent Authority (Reg.27)

If scoping must be applied to an application, the EAP managing the application must complete the application form for environmental authorisation and submit it to the competent authority, together with a declaration of interest by the EAP, the prescribed application fee, if any, and any other documents required by the competent authority.

Steps to be taken after submission of application (Reg. 28)

After having submitted an application, the EAP managing the application must:

- (a) conduct the public participation process (described in section 12.4.4 below);
- (b) give notice, in writing, of the proposed application to any organ of state which has jurisdiction in respect of any aspect of the activity;
- (c) open and maintain a register of all interested and affected parties in respect of the application in accordance with the regulations;
- (d) consider all objections and representations received from interested and affected parties following the public participation process;
- (e) subject the application to scoping by identifying:
 - (i) issues that will be relevant for consideration of the application;
 - (ii) the potential environmental impacts of the proposed activity; and
 - (iii) alternatives to the proposed activity that are feasible and reasonable;
- (f) prepare a scoping report; and
- (g) give all registered interested and affected parties an opportunity to comment on the scoping report.

Content of scoping reports (Reg. 29)

A scoping report must contain all the information that is necessary for a proper understanding of the nature of issues identified during scoping, and must include:

- (a) details of the EAP who prepared the report; and his/her expertise to carry out scoping procedures;
- (b) a description of the proposed activity and of any feasible and reasonable alternatives that have been identified;
- (c) a description of the property on which the activity is to be undertaken and the location of the activity on the property, or if it is a linear activity, a description of the route of

- the activity; or if it is an ocean-based activity, the coordinates where the activity is to be undertaken;
- (d) a description of the environment that may be affected by the activity and the manner in which the physical, biological, social, economic and cultural aspects of the environment may be affected by the proposed activity;
 - (e) an identification of all policies, legislation and relevant guidelines that have been considered in the preparation of the scoping report;
 - (f) a description of environmental issues and potential impacts, including cumulative impacts, that have been identified;
 - (g) details of the public participation process conducted including:
 - (i) the steps that were taken to notify potentially interested and affected parties of the application;
 - (ii) proof that notice boards, advertisements and notices notifying potentially interested and affected parties of the application have been displayed, placed or given;
 - (iii) a list of all persons or organisations that were identified and registered as interested and affected parties in relation to the application; and
 - (iv) a summary of the issues raised by interested and affected parties, the date of receipt of and the response of the EAP to those issues;
 - (h) a description of the need and desirability of the proposed activity and any identified alternatives to the proposed activity that are feasible and reasonable, including the advantages and disadvantages that the proposed activity or alternatives will have on the environment and on the community that may be affected by the activity. If no alternatives are identified or presented, the EAP must provide the CA with a detailed, written motivation as to why none have been identified and assessed;
 - (i) a plan of study for environmental impact assessment which sets out the proposed approach to the environmental impact assessment of the application, which must include:
 - (i) a description of the tasks that will be undertaken as part of the environmental impact assessment process, including any specialist reports or specialised processes, and the manner in which such tasks will be undertaken;
 - (ii) an indication of the stages at which the competent authority will be consulted;
 - (iii) a description of the proposed method of assessing the environmental issues and alternatives, including the option of not proceeding with the activity; and
 - (iv) particulars of the public participation process that will be conducted during the environmental impact assessment process;
 - (j) any specific information required by the competent authority; and
 - (k) any other matters required in terms of s. 24(4)(a) and (b) of the Act.

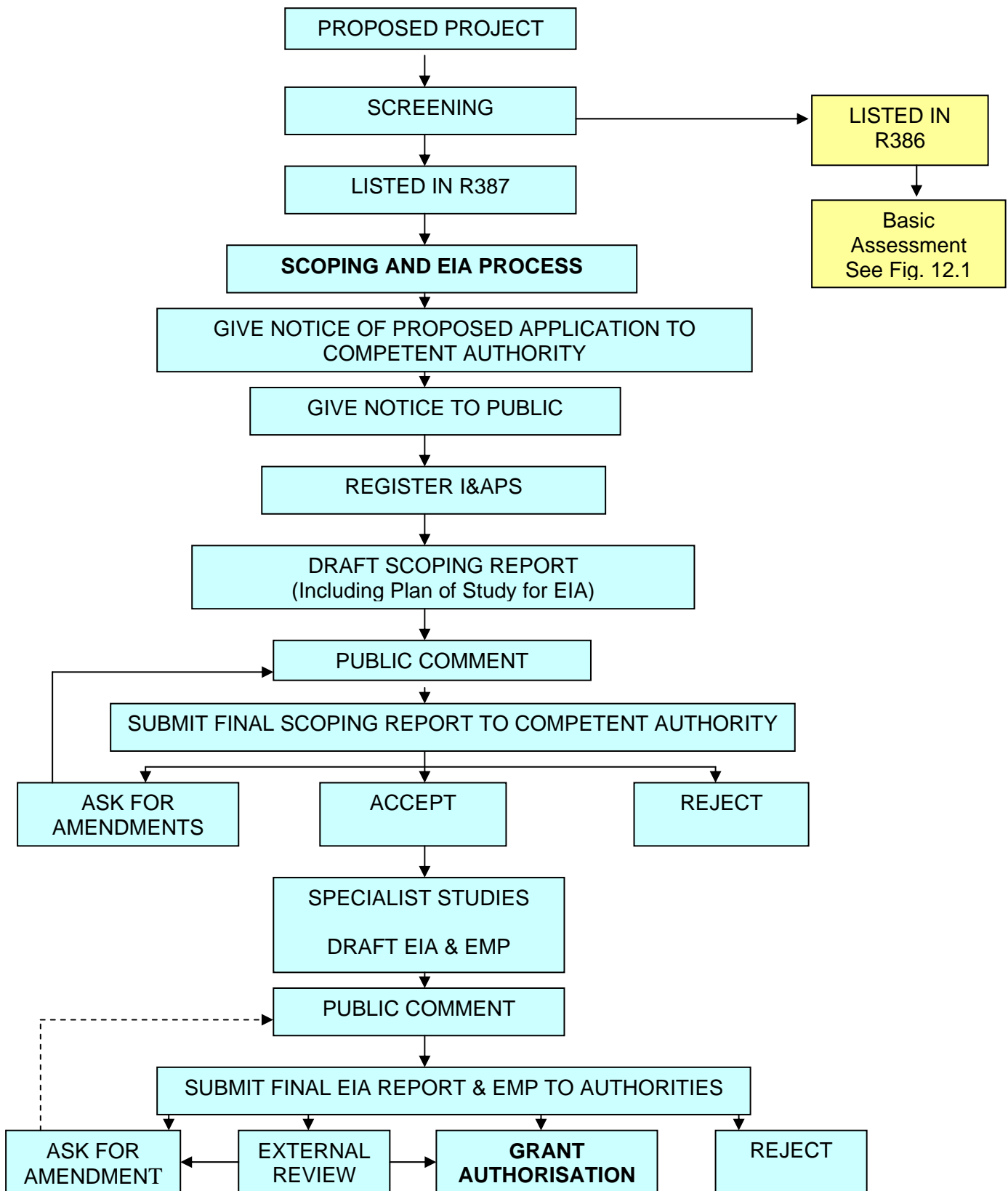


FIGURE 12.2: SCOPING AND EIA PROCESS

Submission of scoping reports to competent authority (Reg. 30)

The EAP managing an application must submit the scoping report compiled in terms of the regulations to the competent authority, together with:

- (a) copies of any representations, objections and comments received in connection with the application or the scoping report from interested and affected parties;
 - (b) copies of the minutes of any meetings held by the EAP with interested and affected parties and other role players which record the views of the participants; and
- any responses by the EAP to those representations, objections, comments and views.

The competent authority must consider the scoping report according to the timeframe set out in Table 12.1 and make a decision as described in section 12.2.2 above.

Environmental impact assessment reports (Reg. 32)

If a competent authority accepts a scoping report and advises the EAP to proceed with the tasks contemplated in the plan of study for environmental impact assessment, the EAP must proceed with those tasks, including the required public participation process (see section 12.4.4 below) and prepare an environmental impact assessment report in respect of the proposed activity.

An environmental impact assessment report must contain all information that is necessary for the competent authority to consider the application and to reach an informed decision and must include as a minimum:

- (a) details of the EAP who compiled the report and his/her expertise to carry out an environmental impact assessment;
- (b) a detailed description of the proposed activity;
- (c) a description of the property on which the activity is to be undertaken and the location of the activity on the property, or if it is a linear activity, a description of the route of the activity; or if it is an ocean-based activity, the coordinates where the activity is to be undertaken;
- (d) a description of the environment that may be affected by the activity and the manner in which the physical, biological, social, economic and cultural aspects of the environment may be affected by the proposed activity;
- (e) details of the public participation process including:
 - (i) steps undertaken in accordance with the plan of study;
 - (ii) a list of persons, organisations and organs of state that were registered as interested and affected parties;
 - (iii) a summary of comments received from, and a summary of issues raised by registered interested and affected parties, the date of receipt of these comments and the response of the EAP to those comments; and

- (iv) copies of any representations, objections and comments received from registered interested and affected parties;
- (f) a description of the need and desirability of the proposed activity and identified potential alternatives to the proposed activity, including advantages and disadvantages that the proposed activity or alternatives may have on the environment and the community that may be affected by the activity. If no alternatives are identified or presented, the EAP must provide the CA with a detailed, written motivation as to why none have been identified and assessed;
- (g) an indication of the methodology used in determining the significance of potential environmental impacts;
- (h) a description and comparative assessment of all alternatives identified during the environmental impact assessment process;
- (i) a summary of the findings and recommendations of any specialist report or report on a specialised process;
- (j) a description of all environmental issues that were identified during the environmental impact assessment process, an assessment of the significance of each issue and an indication of the extent to which the issue could be addressed by the adoption of mitigation measures;
- (k) an assessment of each identified potentially significant impact, including:
 - (i) cumulative impacts;
 - (ii) the nature of the impact;
 - (iii) the extent and duration of the impact;
 - (iv) the probability of the impact occurring;
 - (v) the degree to which the impact can be reversed;
 - (vi) the degree to which the impact may cause irreplaceable loss of resources; and
 - (vii) the degree to which the impact can be mitigated;
- (l) a description of any assumptions, uncertainties and gaps in knowledge;
- (m) a reasoned opinion as to whether the activity should or should not be authorised, and if the opinion is that it should be authorised, any conditions that should be made in respect of that authorisation;
- (n) an environmental impact statement which contains:
 - (i) a summary of the key findings of the environmental impact assessment; and
 - (ii) a comparative assessment of the positive and negative implications of the proposed activity and identified alternatives;
- (o) a draft environmental management programme (see below);
- (p) copies of any specialist reports and reports on specialised processes;
- (q) any specific information that may be required by the competent authority; and
- (r) any other matters required in terms of s. 24(4)(a) and (b) of the Act.

Specialist reports and reports on specialised processes (Reg.33)

An applicant or the EAP managing an application may appoint a person who is independent to carry out a specialist study or specialised process. A specialist report or a report on a specialised process prepared in terms of these Regulations must contain:

- (a) details of the person who prepared the report and his/her expertise to carry out the specialist study or specialised process;
- (b) a declaration that the person is independent on the prescribed form;
- (c) an indication of the scope of, and the purpose for which, the report was prepared;
- (d) a description of the methodology adopted in preparing the report or carrying out the specialised process;
- (e) a description of any assumptions made and any uncertainties or gaps in knowledge;
- (f) a description of the findings and potential implications of such findings on the impact of the proposed activity, including identified alternatives, on the environment;
- (g) recommendations in respect of any mitigation measures that should be considered by the applicant and the competent authority;
- (h) a description of any consultation process that was undertaken during the course of carrying out the study;
- (i) a summary and copies of any comments that were received during any consultation process; and
- (j) any other information requested by the competent authority.

Content of draft environmental management programmes (Reg. 34)

A draft environmental management programme (EMP) must include:

- (a) details of the person who prepared the EMP and his/her expertise to prepare it;
- (b) information on any proposed management or mitigation measures that will be taken to address the environmental impacts identified in the EIA report, including environmental impacts or objectives in respect of:
 - (i) planning and design;
 - (ii) pre-construction and construction activities;
 - (iii) operation or undertaking of the activity;
 - (iv) rehabilitation of the environment; and
 - (v) closure, where relevant.
- (c) a detailed description of the aspects of the activity that are covered by the draft EMP;
- (d) an identification of the persons who will be responsible for the implementation of the EMP;
- (e) proposed mechanisms for monitoring compliance with the EMP and reporting thereon;

- (f) as far as reasonably practical, the EMP must set out measures to rehabilitate the affected environment to its natural or pre-determined state or to a land use which generally conforms to the principles of sustainable development, including, where appropriate, concurrent or progressive rehabilitation;
- (g) a description of the manner in which it intends to modify, remedy, control or stop any action which causes pollution or degradation of the environment, and how the activity will comply with any prescribed environmental management standards or practices. The EMP must also state how the applicant will comply with all applicable provisions regarding financial provision for rehabilitation and closure;
- (h) where appropriate, time periods within which the measures contemplated in the EMP must be implemented;
- (i) the process of managing any environmental damage, pollution, pumping and treatment of extraneous water or ecological degradation resulting from the undertaking of the listed activity;
- (j) an environmental awareness plan; and
- (k) where appropriate, closure plans, including a list of closure objectives.

It should be noted that one of the new changes in the Regulations requires that all amendments to the EMP must be subjected to the prescribed public participation and approval processes.¹⁸

Once the competent authority has received the completed EIA application, it must be processed in terms of the time frame set out in Table 12.1.

12.4.4 Public Participation Process

Giving Notice (Reg. 59)

The person conducting a public participation process must take into account any guidelines applicable to public participation and must give notice to all potential interested and affected parties of the application which is subjected to public participation by:

- (a) fixing a notice board at a place conspicuous to the public at the boundary or on the fence of the site where the activity to which the application relates and any alternative site mentioned in the application. The notice must be of a size at least 60cm by 42cm and should display the information listed below in lettering and in a format as may be determined by the competent authority. The notice should:
 - (i) give details of the application which is subjected to public participation;

¹⁸ Regulation 46(4)(a)(iii).

- (ii) state whether the application has been or is to be submitted to the competent authority in terms of the Regulations;
 - (iii) whether basic assessment or scoping procedures are being applied to the application;
 - (iv) the nature and location of the activity;
 - (v) where further information on the application or activity can be obtained; and
 - (vi) the manner in which and the person to whom representations in respect of the application may be made.
- (b) giving written notice to:
- (i) the owners and occupiers of land adjacent to the site where the activity is or is to be undertaken or to any alternative site;
 - (ii) the municipal councillor of the ward in which the site or alternative site is situated and any organisation of ratepayers that represents the community in the area;
 - (iii) the municipality which has jurisdiction in the area;
 - (iv) any organ of state having jurisdiction in respect of any aspect of the activity;
 - (v) any other party as required by the CA.
- (c) placing an advertisement in:
- (i) one local newspaper; or
 - (ii) any official *Gazette* that is published specifically for the purpose of providing public notice of applications or other submissions; and
 - (d) placing an advertisement in at least one provincial newspaper or national newspaper, if the activity may have an impact that extends beyond the boundaries of the metropolitan or local municipality in which it will be undertaken.

When complying with this regulation, the person conducting the public participation process must ensure that:

- (a) information containing all relevant facts in respect of the application is made available to potential interested and affected parties; and
- (b) participation by potential interested and affected parties is facilitated in such a manner that all potential interested and affected parties are provided with a reasonable opportunity to comment on the application. Where people or communities might not be able to participate due to a lack of skills to read or write, disability or any other disadvantage, the EAP shall provide reasonable alternative means for them to comment.

Regulation 56(7) has been added to the new Regulations which states that unless justified by exceptional circumstances, the applicant and EAP must not conduct any public participation during the period 15 December to 2 January.

Register of interested and affected parties (Reg. 60)

An applicant or EAP managing an application must open and maintain a register which contains the names and addresses of:

- (a) all persons who have submitted written comments or attended meetings with the applicant or EAP;
- (b) all persons who have requested the applicant or the EAP managing the application, in writing, for their names to be placed on the register; and
- (c) all organs of state which have jurisdiction in respect of the activity to which the application relates.

An applicant or EAP managing an application must give access to the register to any person who submits a request for access to the register in writing.

Registered interested and affected parties entitled to comment on submissions (Reg. 61)

A registered interested and affected party is entitled to comment, in writing, on all written submissions made to the competent authority by the applicant or the EAP managing an application, and to bring to the attention of the competent authority any issues which that party believes may be of significance to the consideration of the application, provided that:

- (a) comments are submitted within the set timeframes or any agreed extensions;
- (b) a copy of comments submitted directly to the competent authority is served on the applicant or EAP; and
- (c) the interested and affected party discloses any direct business, financial, personal or other interest which that party may have in the approval or refusal of the application.

Before the EAP managing an application for environmental authorisation submits a report to the competent authority, the EAP must give registered interested and affected parties access to, and an opportunity to comment on the final report in writing. This includes:

- (a) basic assessment reports;
- (b) basic assessment reports which have been amended and resubmitted;
- (c) scoping reports;
- (d) scoping reports which have been amended and resubmitted;
- (e) specialist reports and reports on specialised processes;
- (f) environmental impact assessment reports; and
- (g) draft environmental management programmes, as well as amended EMPs.

Any written comments received by the EAP from a registered interested and affected party must accompany the report when the report is submitted to the competent authority.

In order to give effect to s. 24(O) of the Act, the new Regulations state that the draft reports referred to above, must be referred to the relevant state department, where applicable for comment. The state department has 40 days in which to make comments after which it is deemed that no comments will be forthcoming.¹⁹

A registered interested and affected party may comment on any final report that is submitted by a specialist reviewer for the purposes of these Regulations where the report contains substantive information which has not previously been made available to a registered interested and affected party.

Comments of interested and affected parties to be recorded in reports submitted to competent authority (Reg. 62)

The EAP managing an application for environmental authorisation must ensure that the comments of interested and affected parties are recorded in reports submitted to the competent authority.

12.3.5 Environmental Management Frameworks and Strategic Environmental Assessments

Although there is no specific mention of the need for Strategic Environmental Assessments in NEMA, the concept is implied through the term “Environmental Management Frameworks” as referred to in s. 24(3) of the Act, as amended. The purpose of an Environmental Management Framework (EMF) is to compile information and maps specifying the attributes of the environment in particular geographical areas. The onus is on the Minister or Provincial MECs to develop a draft EMF and to subject it to a public participation process (Regulation 73). An EMF must include the following information:

- (a) delineation of the geographical area to which the EMF applies;
- (b) the attributes of the environment in the area, including the sensitivity, extent, interrelationship and significance of those attributes;
- (c) identify any parts in the area to which those attributes relate;
- (c) state the conservation status of the area and in those parts;
- (d) state the environmental management priorities of the area;

¹⁹ Regulation 61(6)-(7)

- (f) indicate the kind of activities that would have a significant impact on those attributes and those that would not;
- (g) indicate the kind of activities that would be undesirable in the area or in specific parts of the area; and
- (h) include any other matters that may be specified.

Once the EMF has been formally adopted, it must be taken into account by the competent authorities when they are considering any applications for an environmental authorisation which may occur in, or may affect the area covered by the EMF.

12.5 Other Relevant Environmental Legislation in South Africa

In recent years, South Africa has gone through a period of intensive environmental law reform to try to harmonise the legislation relating to natural resources management. The sectors, relevant authority, titles of the legal instruments and their purpose are summarised in Table 12.4 below.²⁰

Table 12.4: Other Potentially Applicable Sectoral Requirements

Environmental Component	Responsible Agency	Title and Date of Legislation	Purpose
Water Resources (use of)	Dept of Environmental Affairs	National Water Act, 36 of 1998, as amended	In terms of sections 21 and 40L, a Water Use Licence must be obtained for the abstraction, storage, use, diversion, flow reduction and disposal of water and effluent.
	Catchment Management Agencies	Mountain Catchment Areas Act, 63 of 1970	Provides for the conservation, use, management and control of land situated in mountain catchment areas.
Effluent (disposal)	DEA: Directorate Pollution Control	National Water Act Regulations 704	S7 of the regulations requires the owner or manager of any undertaking to prevent the pollution, or further pollution of water resources, including changes to the physical (e.g. temperature, sediment load) and chemical (e.g. nutrient status) qualities of water for downstream users. The Water Use Licence referred to above relates to effluent disposal as well as water use.
		South African Water Quality Guidelines	The guidelines set out the minimum and threshold standards for effluent quality which need to be met for various downstream user groups such as domestic, stock watering, irrigation etc.

²⁰ Some of the information contained in this Table has been sourced from Glasewski, J (2005) "Environmental Law in South Africa." 2nd Edition. LexisNexis Butterworths, Durban.

Environmental Component	Responsible Agency	Title and Date of Legislation	Purpose
Dam Safety	DEA	Chapter 12 of the National Water Act provides for the safety of dams.	<p>A dam with a "safety risk" is defined as any dam which can contain, store or dam more than 50,000m³ of water and which complies with certain other technical specifications relating to height and length of the dam wall etc. Any such dam must be registered with DWA.</p> <p>NWA s119: An "owner" of a dam classified as a dam with a safety risk, is required to comply with certain directives and regulations of the NWA, such as to submit a report on the safety of a dam, to repair or alter the dam, or to appoint an approved professional person to undertake these tasks. An approved professional person has a statutory duty of care towards the State and the general public and must fulfil, amongst other things, defined responsibilities when acting in terms of the Act.</p>
Air	Municipalities Dept of Mineral Regulation (DMR)	National Environmental Management: Air Quality Act, 39 of 2004 Regulation 64 made in terms of the Mineral and Petroleum Resources Development Act (MPRDA), 28 of 2002 and the Mine Health and Safety Act, 29 of 1996	<p>No listed activity can take place without an atmospheric emission licence.</p> <p>These both relate to dust and fumes from blasting and mining, including quarrying and excavation of borrow materials.</p>
Noise	Local Authority (where competent), otherwise the provincial department of DEA DMR	GN R154 of 10/01/92 contains Regulations regarding noise control made in terms of s. 25 of ECA Amended regulations, based largely on the above Regulation 66 made in terms of the Mineral and Petroleum Resources Development Act (MPRDA), 28 of 2002 and the Mine Health and Safety Act, 29 of 1996	<p>Currently adopted by NW Province, Limpopo, KZN, Northern Cape, Eastern Cape and Mpumalanga provinces.</p> <p>Adopted by: Gauteng, Free State and Western Cape.</p> <p>These both relate to noise impacts associated with mining and quarrying.</p>
Waste	DEA: Directorate: Integrated Pollution Prevention and	NEMA: Chapter 1	Sets out the precautionary principle, the polluter pays principle and the prevention principle and well as duty of care principles.

Environmental Component	Responsible Agency	Title and Date of Legislation	Purpose
	Waste Management	NEM: Waste Act, 59 of 2008 Waste Management Series, DWAF, 1998	A licence is required to establish and operate a waste disposal site. This series of guidelines sets out the minimum requirements for a waste disposal site, including hazardous waste. The guidelines must be followed in order to obtain a permit.
	Dept of National Health	Hazardous Substances Act, 15 of 1973 and associated regulations	Aims to control hazardous substances which are categorized into four groups: Groups I and II relate to toxic substances, Group III relates to electronic products and Group IV relates to all radioactive substances.
	DMR	Regulation 69 made in terms of the Mineral and Petroleum Resources Development Act (MPRDA), 28 of 2002 and the Mine Health and Safety Act, 29 of 1996	Relates to the disposal of any waste material from mining or quarrying activities.
Energy	Dept of Energy	White Paper on Energy Policy No 19606 dated 17/12/98, and White Paper on Renewable Energy No 26169, dated 14/05/04 Draft National Energy Bill, 2004	The Energy Bill will be the central legislation regulating the energy sector in South Africa and will give effect to both White Papers.
Planning and Zoning	Dept of Rural Development and Land Reform (Provincial planning authorities are at various stages in drawing up planning legislation for each province)	Development Facilitation Act, 67 of 1995	This Act sets out the overall framework and administrative structures for planning. Each Province is charged with drawing up Land Development Objectives to guide development in the province. Any change in land use within a municipal region needs to apply through this act.
Forestry	Dept of Agriculture, Forestry and Fisheries (DAFF)	National Forests Act, 84 of 1998	Chapter 3 states that a licence is required to cut, damage or destroy any listed indigenous tree. Certain tree species may be protected in terms of sections 13-15 of this Act.
Mining and Mineral Resources	DMR	Mineral and Petroleum Resources Development Act, 28 of 2002 and Regulations R527 of 23/04/04	The extraction of any mineral including the quarrying of sand, stone, gravel etc falls within the definition of mining. Any such mining activity requires a mining authorisation in terms of s. 39 of the Act. A separate EIA process must be followed, as per the requirements set out in Part III of the regulations up until the transitional period is complete in terms of the transfer of responsibility of EIA regulation of mining

Environmental Component	Responsible Agency	Title and Date of Legislation	Purpose
			activities to DEA.
Blasting, Vibration and Shock	DMR	Mineral and Petroleum Resources Development Act, 28 of 2002 and Regulations R527 of 23/04/04 and the Mine Health and Safety Act, 29 of 1996	Permits are required for blasting.
Wildlife and Natural Resources	DEA: Directorate: Biodiversity Management	National Environmental Management: Biodiversity Act, 10 of 2004 Provincial Nature Conservation Ordinances	This Act relates to the management and conservation of biodiversity, the protection of ecosystems and species, the sustainable use of biological resources and the fair and equitable sharing of biological resources. The Act also allows for the development of a national biodiversity framework to provide for an integrated, co-ordinated and uniform approach to the management of biodiversity. The latter has not yet been developed. No regulations have yet been made, but permits may be required in certain circumstances e.g. for the collection and translocation of plants from a dam area, provision of fish ladders etc The management of species diversity is mostly accomplished via provincial nature conservation authorities in terms of the relevant provincial nature conservation ordinances. The ordinances mostly distinguish between conservation of flora and fauna inside and outside provincial reserves.
Conservation	SA National Parks Provincial Departments of DEA	National Parks Act, 57 of 1956, and National Environmental Management: Protected Area Act, 57 of 2003 and Regulations relating to the management of protected areas and World Heritage Sites.	These Acts and relevant provincial requirements are relevant if a development is contemplated in a protected area or World Heritage Site.
Agriculture	DAFF	Several Acts including the Conservation of Agricultural Resources Act, 43 of 1983 and regulations as amended	This Act controls erosion, weeds and invasive species amongst other things. Regulations R1048 s 7: Land users are prohibited from removing vegetation in a water course, in order to prevent soil erosion and may only under the authority of a permit drain or cultivate any vlei, marsh or water sponge. Regulations R1048 s14: Where any activities cause the disturbance or denudation of any land, the land owner is required to restore such land by the means of soil conservation measures which may include the removal and separation of topsoil to be replaced on the disturbed area, and the topography, flow pattern of runoff water and slope must be restored as closely as possible to the original condition. Suitable vegetation must be

Environmental Component	Responsible Agency	Title and Date of Legislation	Purpose
			<p>established on the land concerned in order to expedite the restoration and reclamation thereof and suitable soil conservation works may be required in order to protect the land against excessive soil loss through water or wind erosion.</p> <p>Sections 15 – 16 of the Regulations set out different control measures for the combating of declared weeds and invader plants specified in three different categories. Category 1 plants are declared weeds, and are generally accepted as pests and must be eradicated from all properties. Category 2 and 3 are declared invader plants and separate controls are required for these categories.</p>
Land	Commission on the Restitution of Land Rights	Restitution of Land Rights Act, 22 of 1994	Only applicable if the site of any proposed development is the subject of a land claim.
Fisheries	DEA: Directorate Biodiversity Management DWA	National Environmental Management: Biodiversity Act, 10 of 2004 National Water Act, 36 of 1998 as amended	<p>The Biodiversity Act relates to the protection of threatened ecosystems and species. No regulations have yet been made, but permits may be required in certain circumstances e.g. for the provision of fish ladders, clearance of threatened vegetation etc</p> <p>The ecological reserve is provided for in Chapter 3 of the Act, which states that basic human needs and ecological needs of rivers shall enjoy priority of use by right. The use of water for all other purposes is subject to authorisation through a Water Use Licence (see above). Therefore the needs of fish (spawning, migration, habitat etc) need to be taken into account in the design and operational management of any development which may affect the flow of water in a river.</p>
Roads	Dept of Transport, SA National Roads Agency		An EIA is required for any new road as per the EIA Regulations referred to above.
Transmission			An EIA is required for any new transmission lines per the EIA Regulations referred to above.
Archaeological, Historical and Cultural	Dept of Arts and Culture or Provincial Agencies (where competent) (only KZN and Western Cape have such agencies)	National Heritage Resources Act, 25 of 1999	<p>s.38(1) requires that a developer must notify the responsible authority if he is going to undertake an activity that may have an impact on the heritage resources of an area.</p> <p>s.38(2) stipulates that an IA report may be required and that it must be compiled by an approved and qualified heritage specialist.</p> <p>s.34: No person may alter or demolish any structure or part of a structure, which is older than 60 years without a permit issued by the relevant provincial heritage resources authority.</p> <p>s.35: No person may, without a permit issued by the responsible heritage resources authority destroy, damage, excavate, alter, deface or otherwise disturb any archaeological or palaeontological site.</p>

Environmental Component	Responsible Agency	Title and Date of Legislation	Purpose
		World Heritage Convention Act, 49 of 1999	<p>s.36: No person may, without a permit issued by the South African Heritage Resource Agency (SAHRA) or a provincial heritage resources authority destroy, damage, alter, exhume, remove from its original position or otherwise disturb any grave or burial ground older than 60 years which is situated outside a formal cemetery administered by a local authority.</p> <p>This Act would be applicable if a development were to be contemplated in a declared World Heritage Site.</p>

APPENDIX 12-1

LIST OF PROJECTS REQUIRING A BASIC ASSESSMENT

The activities for which a **Basic Assessment** is required in terms of section 24(2)(a) and (d) of the National Environmental Management Act, as promulgated in **Government Notice R386**²¹, as amended, are listed below.

- 1 The construction of facilities or infrastructure, including associated structures or infrastructure, for:
 - (a) the generation of electricity where the electricity output is more than 10 megawatts but less than 20 megawatts;
 - (b) the above ground storage of 1 000 tons or more but less than 100 000 tons of ore;
 - (c) the storage of 250 tons or more but less than 100 000 tons of coal;
 - (d) resorts, lodges, hotels or other tourism and hospitality facilities in a protected area contemplated in the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003);
 - (e) any purpose where lawns, playing fields or sports tracks covering an area of more than three hectares, but less than 10 hectares, will be established;
 - (f) sport spectator facilities with the capacity to hold 8 000 spectators or more;
 - (g) the slaughter of animals with a product throughput of 10 000 kilograms or more per year;
 - (h) the concentration of animals for the purpose of commercial production in densities that exceed:
 - (i) 20 square metres per head of cattle and more than 500 head of cattle per facility per year;
 - (ii) eight square meters per sheep and more than 1 000 sheep per facility per year;
 - (iii) eight square metres per pig and more than 250 pigs per facility per year excluding piglets that are not yet weaned;
 - (iv) 30 square metres per crocodile at any level of production, excluding crocodiles younger than 6 months;
 - (v) three square metres per head of poultry and more than 250 poultry per facility at any time, excluding chicks younger than 20 days;
 - (vi) three square metre per rabbit at and more than 250 rabbits per facility at any time; or
 - (vii) 100 square metres per ostrich and more than 50 ostriches per facility per year or 2500 square metres per breeding pair;
 - (i) aquaculture production, including mariculture and algae farms, with a product throughput of 10 000 kilograms or more per year;
 - (j) agri-industrial purposes, outside areas with an existing land use zoning for industrial purposes, that cover an area of 1 000 square metres or more;
 - (k) the bulk transportation of sewage and water, including storm water, in pipelines with:
 - (i) an internal diameter of 0,36 metres or more; or
 - (ii) a peak throughput of 120 litres per second or more;
 - (l) the transmission and distribution of electricity above ground with a capacity of more than 33 kilovolts and less than 120 kilovolts;

²¹ Gazetted in October 2009.

- (m) any purpose in the one in ten year flood line of a river or stream, or within 32 metres from the bank of a river or stream where the flood line is unknown, excluding purposes associated with existing residential use, but including:
 - (i) canals;
 - (ii) channels;
 - (iii) bridges;
 - (iv) dams; and
 - (v) weirs;
 - (n) the off-stream storage of water, including dams and reservoirs, with a capacity of 50 000 cubic metres or more, unless such storage falls within the ambit of the activity listed in item 6 of Government Notice No. R. 387 of 2006;
 - (o) ...;
 - (p) ...;
 - (q) the landing, parking and maintenance of aircraft including:
 - (i) helicopter landing pads, excluding helicopter landing facilities and stops used exclusively by emergency services;
 - (ii) unpaved aircraft landing strips shorter than 1,4km;
 - (iii) structures for equipment and aircraft storage;
 - (iv) structures for maintenance and repair;
 - (v) structures for fuelling and fuel storage; and
 - (vi) structures for air cargo handling;
 - (r) the outdoor racing of motor powered vehicles including:
 - (i) motorcars;
 - (ii) trucks;
 - (iii) motorcycles;
 - (iv) quad bikes;
 - (v) boats; and
 - (vi) jet skis;
 - (s) ...;
 - (t) marinas and the launching of watercraft on inland fresh water systems;
 - (u) above ground cableways and funiculars;
 - (v) advertisements as defined in classes 1(a), 1(b), 1(c), 3(a), 3(b), 3(l) of the South African Manual for Outdoor Advertising Control.
- 2 Construction or earth moving activities in the sea or within 100 metres inland of the highwater mark of the sea, in respect of:
- (a) facilities for the storage of material and the maintenance of vessels;
 - (b) fixed or floating jetties and slipways;
 - (c) tidal pools;
 - (d) embankments;
 - (e) stabilising walls;
 - (f) buildings; or
 - (g) infrastructure.
- 3 The prevention of the free movement of sand, including erosion and accretion, by means of planting vegetation, placing synthetic material on dunes and exposed sand surfaces within a distance of 100 metres inland of the highwater mark of the sea.
- 4 The dredging, excavation, infilling, removal or moving of soil, sand or rock exceeding 5 cubic metres from a river, tidal lagoon, tidal river, lake, in-stream dam, floodplain or wetland.
- 5 The removal or damaging of indigenous vegetation of more than 10 square metres within a distance of 100 metres inland of the high-water mark of the sea.
- 6 The excavation, moving, removal, depositing or compacting of soil, sand, rock or rubble covering an area exceeding 10 square metres in the sea or within a distance of 100 metres inland of the high-water mark of the sea.

- 7 The above ground storage of a dangerous good, including petrol, diesel, liquid petroleum gas or paraffin, in containers with a combined capacity of more than 30 cubic metres but less than 1 000 cubic metres at any one location or site.
- 8 Reconnaissance, prospecting, mining or retention operations as provided for in the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), in respect of such permissions, rights, permits and renewals thereof.
- 9 In relation to permissions, rights, permits and renewals granted in terms of 8 above, or any other similar right granted in terms of previous mineral or mining legislation, the undertaking of any prospecting or mining related activity or operation within a prospecting, retention or mining area, as defined in terms of section 1 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002).
- 10 The establishment of cemeteries.
- 11 The decommissioning of a dam where the highest part of the dam wall, as measured from the outside toe of the wall to the highest part of the wall, is 5 metres or higher or where the high-water mark of the dam covers an area of more than 10 hectares.
- 12 The transformation or removal of indigenous vegetation of 3 hectares or more or of any size where the transformation or removal would occur within a critically endangered or an endangered ecosystem listed in terms of section 52 of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004).
- 13 The abstraction of groundwater at a volume where any general authorisation issued in terms of the National Water Act, 1998 (Act No. 36 of 1998) will be exceeded.
- 14 The construction of masts of any material or type and of any height, including those used for telecommunication broadcasting and radio transmission, but excluding:
 - (a) masts of 15 metres and lower exclusively used
 - (i) by radio amateurs; or
 - (ii) for lighting purposes
 - (b) flag poles; and
 - (c) lightning conductor poles.
- 15 The construction of a road that is wider than 4 metres or that has a reserve wider than 6 metres, excluding roads that fall within the ambit of another listed activity or which are access roads of less than 30 metres long.
- 16 The transformation of undeveloped, vacant or derelict land to:
 - (a) establish infill development covering an area of 5 hectares or more, but less than 20 hectares; or
 - (b) residential, mixed, retail, commercial, industrial or institutional use where such development does not constitute infill and where the total area to be transformed is bigger than 1 hectare.
- 17 Phased activities where any one phase of the activity may be below a threshold specified in this Schedule but where a combination of the phases, including expansions or extensions, will exceed a specified threshold.
- 18 The subdivision of portions of land 9 hectares or larger into portions of 5 hectares or less.
- 19 The development of a new facility or the transformation of an existing facility for the conducting of manufacturing processes, warehousing, bottling, packaging, or storage, which, including associated structures or infrastructure, occupies an area of 1 000 square metres or more outside an existing area zoned for industrial purposes.

- 20 The transformation of an area zoned for use as public open space or for a conservation purpose to another use.
- 21 The release of genetically modified organisms into the environment in instances where assessment is required by the Genetically Modified Organisms Act, 1997 (Act No. 15 of 1997) or the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004).
- 22 The release of any organism outside its natural area of distribution that is to be used for biological pest control.
- 23 The decommissioning of existing facilities or infrastructure, other than facilities or infrastructure that commenced under an environmental authorisation issued in terms of the Environmental Impact Assessment Regulations, 2006 made under section 24(5) of the Act and published in Government Notice No. R385 of 2006, for:
 - (a) electricity generation;
 - (b) nuclear reactors and storage of nuclear fuel;
 - (c) industrial activities where the facility or the land on which it is located is contaminated or has the potential to be contaminated by any material which may place a restriction on the potential to re-use the site for a different purpose;
 - (d) ...;
 - (e) ...;
 - (f) ...; or
 - (g)
- 24 The recommissioning or use of any facility or infrastructure, excluding any facility or infrastructure that commenced under an environmental authorisation issued in terms of the Environmental Impact Assessment Regulations, 2006 made under section 24(5) of the Act and published in Government Notice No. R385 of 2006, after a period of two years from closure or temporary closure, for:
 - (a) electricity generation;
 - (b) nuclear reactors and nuclear fuel storage; or
 - (c) facilities for any process or activity, which require permission, authorisation, or further authorisation, in terms of legislation governing the release of emissions, pollution, effluent or waste prior to the facility being recommissioned, unless the facility for the process or activity is included in the list of waste management activities published in terms of section 19 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) in which case the activity is regarded to be excluded from this list.
- 25 The expansion of or changes to existing facilities for any process or activity, which requires an amendment of an existing permit or license or a new permit or license in terms of legislation governing the release of emissions, pollution, effluent, unless the facility for the process or activity is included in the list of waste management activities published in terms of section 19 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) in which case the activity is regarded to be excluded from this list.

APPENDIX 12-2

LIST OF PROJECTS REQUIRING AN ENVIRONMENTAL IMPACT ASSESSMENT

The activities for which an **Environmental Impact Assessment** is required in terms of section 24(2)(a) and (d) of the National Environmental Management Act, as promulgated in **Government Notice R387**, as amended are listed below.

- 1 The construction of facilities or infrastructure, including associated structures or infrastructure, for:
 - (a) the generation of electricity where:
 - (i) the electricity output is 20 megawatts or more; or
 - (ii) the elements of the facility cover a combined area in excess of 1 hectare;
 - (b) nuclear reaction including the production, enrichment, processing, reprocessing, storage or disposal of nuclear fuels, radioactive products and waste;
 - (c) the above ground storage of a dangerous good, including petrol, diesel, liquid petroleum gas or paraffin, in containers with a combined capacity of 1 000 cubic metres or more at any one location or site including the storage of one or more dangerous goods, in a tank farm;
 - (d) the refining of gas, oil and petroleum products;
 - (e) any process or activity which requires a permit or license in terms of legislation governing the generation or release of emissions, pollution, effluent or waste and which is not identified in Government Notice No. R. 386 of 2006 or included in the list of waste management activities published in terms of section 19 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2009) in which case the activity is to be excluded from this list;
 - (f) ...;
 - (g) ...;
 - (h) the manufacturing, storage or testing of explosives, including ammunition, but excluding licensed retail outlets and the legal end use of such explosives;
 - (i) the extraction or processing of natural gas including gas from landfill sites;
 - (j) the bulk transportation of dangerous goods using pipelines, funiculars or conveyors with a throughput capacity of 50 tons or 50 cubic metres or more per day;
 - (k) the landing, parking and maintenance of aircraft, excluding unpaved landing strips shorter than 1,4 kilometres in length, but including:
 - (i) airports;
 - (ii) runways;
 - (iii) waterways; or
 - (iv) structures for engine testing;
 - (l) the transmission and distribution of above ground electricity with a capacity of 120 kilovolts or more;
 - (m) marine telecommunications;
 - (n) the transfer of 20 000 cubic metres or more water between water catchments or impoundments per day;
 - (o) ...;
 - (p) ...;
 - (q) the incineration, burning, evaporation, thermal treatment, roasting or heat sterilisation of waste or effluent, including the cremation of human or animal tissue;
 - (r) ...;
 - (s) rail transportation, excluding railway lines and sidings in industrial areas and underground railway lines in mines, but including:

- (i) railway lines;
 - (ii) stations; or
 - (iii) shunting yards;
 - (t) any purpose where lawns, playing fields or sports tracks covering an area of 10 hectares or more, will be established.
- 2 Any development activity, including associated structures and infrastructure, where the total area of the developed area is, or is intended to be, 20 hectares or more.
 - 3 The construction of filling stations, including associated structures and infrastructure, or any other facility for the underground storage of a dangerous good, including petrol, diesel, liquid petroleum gas or paraffin.
 - 4 The extraction of peat.
 - 5 The route determination of roads and design of associated physical infrastructure, including roads that have not yet been built for which routes have been determined before the publication of this notice and which has not been authorised by a competent authority in terms of the Environmental Impact Assessment Regulations, 2006 made under section 24(5) of the Act and published in Government Notice No. R. 385 of 2006, where:
 - (a) it is a national road as defined in section 40 of the South African National Roads Agency Limited and National Roads Act, 1998 (Act No. 7 of 1998);
 - (b) it is a road administered by a provincial authority;
 - (c) the road reserve is wider than 30 metres; or
 - (d) the road will cater for more than one lane of traffic in both directions.
 - 6 The construction of a dam where the highest part of the dam wall, as measured from the outside toe of the wall to the highest part of the wall, is 5 metres or higher or where the highwater mark of the dam covers an area of 10 hectares or more.
 - 7 Reconnaissance, exploration, production and mining as provided for in the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), as amended in respect of such permits and rights.
 - 8 In relation to permits and rights granted in terms of 7 above, or any other right granted in terms of previous mineral legislation, the undertaking of any reconnaissance exploration, production or mining related activity or operation within a exploration, production or mining area, as defined in terms of section of 1 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002).
 - 9 Construction or earth moving activities in the sea or within 100 metres inland of the highwater mark of the sea, excluding an activity listed in item 2 of Government Notice No. R. 386 of 2006 but including construction or earth moving activities in respect of:
 - (a) facilities associated with the arrival and departure of vessels and the handling of cargo;
 - (b) piers;
 - (c) inter- and sub-tidal structures for entrapment of sand;
 - (d) breakwater structures;
 - (e) rock revetments and other stabilising structures;
 - (f) coastal marinas;
 - (g) coastal harbours;
 - (h) structures for draining parts of the sea;
 - (i) tunnels; or
 - (j) underwater channels.
 - 10 Any process or activity identified in terms of section 53(1) of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004).

ACRONYMS

BAR	Basic Assessment Report
CBO	Community-Based Organisation
CA	Competent Authority
CEC	Committee for Environmental Co-ordination
DEA	Department of Environmental Affairs (new)
DEAT	Department of Environmental Affairs and Tourism (old)
DME	Department of Minerals and Energy (old)
DMR	Department of Mineral Regulation (new)
DWA	Department of Water Affairs (new)
DWAF	Department of Water Affairs and Forestry (old)
EA	Environmental Authorisation
EAP	Environmental Assessment Practitioner
EAPASA	Environmental Assessment Practitioners Association of South Africa
EIA	Environmental Impact Assessment
EIS	Environmental Impact Statement or Study
EMF	Environmental Management Framework
EMP	Environmental Management Programme
HoD	Head of Department
I&APs	Interested and Affected Parties
KZN	KwaZuluNatal
MEC	Member of the Executive Committee (head of Provincial Government department)
MPRDA	Minerals and Petroleum Resources Development Act
NEAF	National Environmental Advisory Forum
NEAP	National Environmental Action Plan
NEM	National Environmental Management (Act)
NEMA	National Environment Management Act, 107 of 1998, as amended
NGO	Non-Government Organisation
RoD	Record of Decision
RSA	Republic of South Africa
SA	South Africa
SAHRA	South African Heritage Resources Agency
SANS	South African National Standards
SEA	Strategic Environmental Assessment
TOR	Terms of Reference
WUL	Water Use Licence

USEFUL CONTACTS

Department	Contact	Telephone	Fax	Email or web address
NATIONAL DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM				
Minister	B Sonjica	021-464-1500 012-336-8733	021-465-3362 012-328-4254	www.deat.gov.za mthembun@dwaf.gov.za
Director General	N Ngaba			
Environmental Quality and Protection	J Yawitch	012-310-3665	012-322-2602	jyawitch@deat.gov.za
Marine and Coastal Management	M Mayekiso	021-402-3018	021-419-6942	mmayekiso@deat.gov.za
Biodiversity and Conservation	F Mketeni	012-310-2214	012-320-6620	fmketeni@deat.gov.za
PROVINCIAL DEPARTMENTS				
Eastern Cape Dept of Economic Development and Environmental Affairs,	Acting HoD: M Dukada	040-609-3235	040-609-3219	www.ecprov.gov.za
Free State Dept of Economic Development, Tourism and Environmental Affairs	Acting HoD: KJC Ditira-Lekoeneha	051-400-4913	051-400-9593	www.dteea.fs.gov.za
Gauteng Dept of Agriculture and Rural Development	Chief Dir: Sust. Use of the Environment: P Ncube	011-355-1953	011-333-0620	
KwaZulu-Natal Dept of Agriculture Environmental Affairs and Rural Development	Acting HoD: S Adam	033-355-9690	033-355-9293	www.agriculture.kzntl.gov.za
Limpopo Dept of Economic Development, Environment and Tourism	HoD: J Shibambu	015-293-8568	015-293-8319	www.ledet.gov.za
Mpumalanga Dept of Economic Development, Environment and Tourism	G Batchelor	013-766-6061	013-766-8445	www.mpumalanga.gov.za/dedp gbatchelor@mpg.gov.za gbatchelor@nel.mpa.gov.za
Northern Cape Dept of Environmental Affairs and Nature Conservation	M Ndzillili	053-807-7415	053-831-3530	www.northern-cape.gov.za
NW Province Dept of Agriculture, Conservation and Rural Development	HoD: M Mogotlhe	018-389-5111	018-389-5722	www.nwpg.gov.za
Western Cape Dept of Environmental Affairs and Development Planning	Acting HoD: R Ellis	021-483-4091	021-483-3016	www.capegateway.gov.za