



WESTERN CAPE DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT
PLANNING

Department: Environmental Management
EIA Guideline Series

**EIA Application Form and Scoping Checklist
for applications in terms of Sections 22 and 28A of the Environment Conservation Act, 1989
(Act No. 73 of 1989)**

JUNE 2004

1 INTRODUCTION

The National Minister of Environmental Affairs & Tourism identified various activities in terms of section 21 of the Environment Conservation Act (Act No. 73 of 1989) (Rf Annexure A) which may have a substantial detrimental effect and which therefore require prior written authorisation from the relevant authority. (Rf GN No R1182 and GN No R1183 of 5 September 1997, as amended). A Record of Decision authorising or refusing the application shall only be issued after consideration of reports concerning the impact of the proposed activity and of alternative proposed activities, as prescribed by the Environmental Impact Assessment ("EIA") Regulations, (Rf Gn No R1183 of 5 September 1997, as amended).

It must be noted by proponents/developers that submit applications as required by the EIA Regulations, that the EIA Regulations state that "*[The applicant] must indemnify the government of the Republic, the relevant authority and all its officers, agents and employees, from any liability arising out of the content of any report, any procedure or any action for which the applicant or consultant is responsible in terms of these regulations*".

"Environment" in the context of the EIA Regulations must be understood in a very wide sense and must include biophysical, social economic and cultural heritage issues.

The EIA Regulations require the following:

1. The proponent/developer must complete an application form for any project that is listed in Schedule 1 of the EIA Regulations (Refer to Annexure A).
2. The proponent/developer must ensure that the environmental issues/concerns related to the project are identified. This is achieved through undertaking a scoping process. The **purpose** of scoping is to **identify issues and concerns** related to the proposed development. These issues and concerns can be identified in a number of ways:
 - (a). Consultation with relevant regulatory authorities (i.e. authorities who are involved in issuing permits, approvals or authorizations for the project).
 - (b). Consultation with interested and affected parties (e.g. neighbours, community organisations).

- (c). Local knowledge and expertise of neighbours and adjacent communities.
 - (d). Knowledge and expertise of the proponent/developer.
 - (e). Knowledge and expertise of professionals/consultants that may be involved in the project (e.g. engineers, town planners).
 - (f). Knowledge and expertise of environmental professionals/experts (e.g. local environmental organizations, environmental consultants/specialists).
3. The relevant authority considers the results of the scoping process and will make a decision as follows:
- (a). Authorise the activity;
 - (b). Refuse/turn down the activity;
 - (c). Require that an EIA be undertaken. This is dependent on whether any issues of concern have been identified and the nature of these concerns.
4. If the relevant authority requires that an EIA be undertaken, the proponent/developer must ensure that the environmental issues and concerns associated with the project are fully investigated. The number and type of issues that need to be investigated depends on the outcome of the scoping process. It should be noted that the **purpose** of the EIA process is to **investigate the consequences** of the development on the environment. The results of the impact assessment must be documented in the Environmental Impact Report (EIR).
5. The relevant authority considers the EIR and will make a decision as follows:
- (a). Authorise the activity
 - (b). Refuse/turn down the activity.

2 APPROACH OF THE DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING REGARDING THE APPLICATION AND SCOPING PROCESS TO COMPLIANCE WITH THE REQUIREMENTS OF THE EIA REGULATIONS

2.1 Application and scoping process

In order to streamline the process required by the EIA Regulations, the Department has combined the application process with initial scoping activities in this scoping checklist (hereafter referred to as “the checklist”). This has been done to enable the Department to obtain sufficient information about the project at the earliest possible stage in the EIA process. As a result the Department will be able to determine the requirements for scoping and will be able to advise the proponent/developer accordingly. This information must therefore be submitted in the checklist prior to any pre-application meeting to enable the Department to provide adequate guidance regarding the tasks that need to be undertaken to ensure compliance with the requirements of the EIA Regulations. It is therefore in the interests of the proponent/developer to provide **all relevant** information, as this will ensure that unnecessary time delays are avoided.

The following procedure therefore applies:

1. The proponent/developer must complete the attached application form and checklist and submit these to the Department. This must be done by forwarding the application form and checklist to the Department at the postal address given below or by deliver thereof to the Registry Office. The Department will not take responsibility for any documents hand delivered to any of its officers.
2. In accordance with the discretion accorded to the relevant authority, the following decisions may be made:
 - (a). *Authorisation of the activity*: Should it be apparent that the nature of the activity and/or sensitivity of the environment is such that the proposed development will not have a significant environmental impact, the authorisation may be granted. The relevant authority will decide whether the information provided in the checklist is deemed to fulfil the requirements of a final scoping report, or not. In order to finalise this decision the relevant authority may require:
 - That the proponent/developer advertise the fact that authorisation of the activity is being considered, to provide an opportunity for the public to comment on the proposed development.
 - Request additional information on any item in the checklist that the relevant authority considers necessary to enable a final decision.
 - (b). *Refuse the activity* : Should it be clearly apparent that the nature of the activity and/or sensitivity of the environment is such that significant environmental degradation will result from the proposed development/activity, the relevant authority may refuse the application. This means that the relevant authority will deem the information in the checklist to fulfil the requirements of a final scoping report, thus enabling a decision to refuse the application, to be made.
 - (c). *Require that additional scoping tasks be undertaken*: In cases where the information provided in the checklist is considered inadequate to fulfil the requirements of a final scoping report, the relevant authority will require additional scoping tasks to be completed. This decision is dependent on the **nature** and **scale** of the proposed activity and the **characteristics** of the **affected environment**. In determining what additional tasks may be required in terms of the

EIA Regulations, the relevant authority may call for a meeting with the proponent that may include other relevant authorities. The additional tasks that may be required include, but are not limited to:

- Public participation in accordance with the Guidelines for Public Participation for the EIA Process, September 2001.
- Undertaking additional investigation into the identification of alternatives for the project.
- Appointment of an independent environmental consultant to undertake the extended scoping activities required by the relevant authority (assuming that an independent environmental consultant has not been involved in the completion of the scoping checklist).
- Providing additional information on any aspect of the project or the affected environment.

3. Once the additional scoping tasks required by the relevant authority have been completed, the following decisions may be taken:

- (a). The activity may be authorised.
- (b). The activity may be refused.
- (c). The proponent/developer may be required to undertake an EIA.

2.2 The Checklist

The checklist is divided into 4 sections:

1. *Section I* : Project Description
2. *Section II* : Policy and Legislation
3. *Section III* : Environmental Characteristics
4. *Section IV* : Initial Identification of Environmental Issues

The checklist has been compiled to include questions that cover the full range of activities listed in Schedule 1 of the EIA Regulations (Refer Annexure A). This means that not all questions may be relevant to every Listed Activity. Where questions are not relevant to the project, please indicate “not applicable”. Information **must be provided for all questions relevant to the project** for which an application is being made.

Proponents/developers are responsible for the accuracy of the information supplied and are therefore required to complete the checklist fully and honestly. Incomplete or inadequate information will not be accepted and will be returned to the proponent/developer, (hereinafter referred to as “the applicant”), which may result in lengthy delays. Should assistance be required in completing the checklist, an appropriately qualified environmental consultant should be appointed.

For further information, please refer to the following documents issued by this Department:

- ✓ Information Document on Requirements with respect to the EIA Regulations, January 2003
- ✓ Letter re applicants and independent consultants: applying for authorisation in terms of section 22 of the Environment Conservation Act 73 of 1989, (“the ECA”)
- ✓ Letter re amendment of conditions of Records of Decision, 30 July 2002
- ✓ Letter re Schedule 1 Item 10: The cultivation of any other use of virgin ground, 30 July 2002
- ✓ Guideline for Plan of Study for Scoping for the EIA Process, November 2001
- ✓ Guidelines for Public Participation for the EIA Process, September 2001

- ✓ Guideline on the Application of the EIA Regulations to Structures associated with Communication Networks, September 2001
- ✓ Guideline for the Management of Development on Mountains, Hills and Ridges of the Western Cape, April 2002

Please include the following information with the application form and checklist:

1. If the proposed project is to be undertaken on leased or rented land, a letter of consent from the landowner must also be provided. If on state owned land, a letter from the responsible management authority must be obtained (e.g. school governing body).
2. Documentation from other national, provincial and/or local authorities that provides their comments, conditions or recommendations concerning the proposed activity, if available. This documentation is required to supplement the information given in response to Section II of the checklist.
3. Written comments/correspondence from neighbours must be included in an appendix together with the response from the proponent/developer to concerns raised. This documentation is required to supplement the response given to question 9 in Section I of the checklist. (Rf Regulation 6(1)(e) and 8(c)(iii)).
4. Please attach copies of any Needs and Desirability Analysis and/or Business Plan if available.

IMPORTANT NOTES

1. Should the applicant wish to be exempted from the following provisions in the EIA Regulations, a written motivation in this regard must be submitted:
 - (a). 3(1) (a) (b) (c) and (d) which relate to the appointment of an independent consultant and matters relating to costs and independence of the consultant.
 - (b). 3(1) (e) which relates to the information required in terms of the EIA Regulations being provided by the consultant – this information will still need to be provided but by the proponent/developer.
 - (c). 6(1) (d) which relates to the description of alternatives.

The relevant authority will take the nature and scale of the proposed activity and the sensitivity of the affected environment into account in deciding whether an exemption from any of the above provisions is appropriate or not.

2. If an independent environmental consultant is appointed to complete the application form and checklist on behalf of the proponent/developer, the declaration of independence (provided in Annexure B) must be completed by the independent environmental consultant and submitted with the application form and checklist.
3. The applicant must always sign the application form where indicated. The original must be submitted to the relevant authority. Applications not containing such a signature shall not be considered by the relevant authority until such signature has been received.

DEPARTMENTAL DETAILS

CAPE TOWN OFFICE REGION A (Breede River/ Winelands, City of Cape Town: Tygerberg and Oostenberg Administrations)

Department of Environmental Affairs and Development Planning
Attention: Directorate: Integrated Environmental Management (Region A2)
Private Bag X 9086
Cape Town,
8000

Registry Office
1st Floor Utilitas Building
1 Dorp Street,
Cape Town

Queries should be directed to the Directorate: Integrated Environmental Management (Region A2) at:
Tel: (021) 483-4628
Fax (021) 483-3633

CAPE TOWN OFFICE REGION B (West Coast, Overberg, City of Cape Town: Helderberg, South Peninsula, Cape Town and Blaauwberg Administrations)

Department of Environmental Affairs and Development Planning
Attention: Directorate: Integrated Environmental Management (Region B)
Private Bag X 9086
Cape Town,
8000

Registry Office
1st Floor Utilitas Building
1 Dorp Street,
Cape Town

Queries should be directed to the Directorate: Integrated Environmental Management (Region B) at:
Tel: (021) 483-4094
Fax (021) 483-4372

GEORGE OFFICE (Eden and Central Karoo)

Department of Environmental Affairs and Development Planning
Attention: Directorate: Integrated Environmental Management (Region A1)
Private Bag X 6509
George,
6530

Registry Office
4th Floor, York Park Building
93 York Street
George

Queries should be directed to the Directorate: Integrated Environmental Management (Region A1) at:
Tel: (044) 874-2160
Fax (021) 874-2423

View website: <http://www.westerncape.gov.za/eadp> (for the latest version of the documents)

GLOSSARY OF TERMS

“Actual Agricultural use” means land that is being used for farming purposes. This includes cultivated land and the farming of animals. Agricultural land use includes activities and buildings that are reasonably connected with the main farming activities.

“Agricultural zoning” means the property is zoned for agricultural use irrespective of whether it has actually been used for farming practices

“Applicant” means the person, including juristic persons, (Eg Companies, CC’s, organs of state etc) who will be responsible for the undertaking of the activity and on whom all the obligations in terms of the EIA Regulations, will rest. This will not necessarily be the landowner. If the applicant is not the landowner, the applicant must be able to provide proof that the landowner has consented to the particular activity to take place on his/her/it’s land or that the applicant has been mandated, for example, attach a power of attorney.

“Environmental Consultant” means the independent consultant who has expertise in the area of environmental concern being dealt with in the specific application and who must on behalf of the applicant, comply with the requirements of the EIA regulations (GN No R1183 of 5 September 1997, as amended) and who must have no financial or other interest in the undertaking of the proposed activity, except with regard to the compliance with these regulations

“Footprint” means the total surface area of the proposed project/development

“Listed activity” means any activity as identified in GN No R1182 of 5 September 1997, as amended, in terms of section 21 of the Environment Conservation Act 73 of 1989, (“the ECA”), which may have a substantial detrimental effect on the environment and therefore requires prior written authorisation in terms of section 22 of the ECA

“Planning Consultant” means the person, including juristic persons, who has been appointed to undertake all work associated with the necessary planning approvals required for the proposed project

“Project Consultant/Manager” means the person, including juristic persons, who has been appointed to facilitate the undertaking of the proposed project

“Property” means the portion of land on which the project/development is proposed to be undertaken and which has cadastrally defined boundaries following lines of subdivision with set co-ordinates for boundary points. The property must be represented on a diagram held by the Surveyor General.

“Proposed project” means the entire development that the applicant intends undertaking, which includes any listed activities but also encompasses all other aspects of the entire development

“Resource Conservation Measures” means measures that have/will be taken to ensure that the environmental resources are being adequately managed, for example, water and energy conservation, waste minimisation and pollution prevention measures

“Terms of Reference” means the specific parameters within which the consultants/specialists are required to undertake the work for which they were appointed



**Application Form and Checklist
in terms of Section 21, 22, 26 and 28A of the
Environment Conservation Act, 1989
(Act No. 73 of 1989)**

APPLICATION DETAILS

Project Applicant /Agent of Applicant: (Please specify and attach copy of agency agreement if applicable) Contact person: Postal Address: Telephone: Email:			
		Cell:	
		Fax:	

Project title: Project location: Co-ordinates: Magisterial District: Name of Property: Farm/Erf name and number Size of Property: (as per title deed) Closest City/Town:			
	Latitude:°'
	Longitude:°'
	"	South
	"	East
		Distance (in km)	

Project Consultant: Contact person: Postal Address: Telephone: Email:			
		Cell:	
		Fax:	

Fill in if applicable	Environmental Consultant		
	Contact person:		
	Postal address:		
	Telephone:	Cell:	
	Email:	Fax:	

Fill in if applicable	Planning Consultant		
	Contact person:		
	Postal address:		
	Telephone:	Cell:	
	Email:	Fax:	

Are there Terms of Reference?	Yes	No
If so, please attach a copy thereof to this application form and scoping checklist		

Registered landowner/s: Contact person: Postal Address: Telephone: Email:			
		Cell:	
		Fax:	

Local authority/municipality: Contact person: Postal Address: Telephone: Email:			
		Cell:	
		Fax:	

Registered owner of mining rights: Contact person: Postal Address: Telephone: Email:			
		Cell:	
		Fax:	

2 Is the project a new development or an upgrade of an existing development?

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3 Which of the listed activities in Schedule 1 of the EIA Regulations apply to the development (refer Annexure A)? Please indicate all activities that are applicable

4 What is the estimated capital investment for the project? Please indicate if this information is confidential.

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5 What does the proposed project comprise? Please provide details of all components of the proposed project and attach diagrams (e.g. architectural drawings or perspectives, engineering drawings, process flow charts).

Buildings	Yes	No
Provide brief description:		
Infrastructure (e.g. roads, power and water supply)	Yes	No
Provide brief description:		
Processing activities (e.g. manufacturing, storage, distribution)	Yes	No
Provide brief description:		
Storage facilities for raw materials and products (e.g. volume and substances to be stored)		
Provide brief description	Yes	No

Storage facilities for water	Yes	No
Provide brief description		
Storage facilities for solid waste and effluent generated by the project	Yes	No
Provide brief description		
Other activities (e.g. water abstraction activities, crop planting activities)	Yes	No
Provide brief description		

6 Please provide the following information on the construction phase

How long will the construction phase last?		
Is the proposed project going to be undertaken in phases? If so, provide details.	Yes	No
Indicate the area of the site that will need to be disturbed in the construction phase in order allow the proposed activity to take place		

7 What is the size/scale of the project?

Height of permanent structures (e.g. buildings, communication masts, dam walls, electricity pylons, storage tanks)
Indicate the extent of the footprint for the proposed activity in relation to the site in its entirety. (Please note that this is different to question 5 above regarding the surface area that requires to be disturbed in order for construction to take place)
Indicate the surface area taken up by buildings (e.g. accommodation units, offices, garages) and infrastructure (e.g. roads, parking, storage facilities etc.)

For residential or resort developments indicate the density of the development
If the development will be nodal or clustered, state the density (units per hectare) of development for each node or cluster.

8 Current land use of the proposed site(s) for the activity and surrounding land uses?

Are any of the following applicable to the proposed site?	Yes/No	Details
Actual agricultural use		
Zoned undetermined (or equivalent)		
Actual use for grazing		
Use for nature conservation		
Zoned open space		
Other (for example, natural vegetation)		
Surrounding land uses (describe)		
Regional Context (Planning vision – indicate how the project will comply with current forward planning documents for example, Integrated Development Plans, and Spatial Development Frameworks)		
Forward planning document	Confirmed by whom?	

9 Please indicate whether any of the following emissions and wastes will be produced by the project during the construction and operational phases?

Item	Yes / No	Source & Anticipated Volumes	How will this be managed? (Refer to existing permit conditions if applicable)
Air emissions			
Odours			
Radiation			
Noise			
Industrial or agricultural effluent			

Item	Yes / No	Source & Anticipated Volumes	How will this be managed? (Refer to existing permit conditions if applicable)
Domestic, Industrial or agricultural solid waste			
Hazardous solid or liquid waste			

10 Will the project involve the use of, storage of or production of hazardous substances?

Substance	Volume	Control measures/solutions to minimise environmental impacts

11 How will the site be serviced and who will provide the services and/or infrastructure?

11.1 For projects where service infrastructure is available and where the project can be readily connected to the existing infrastructure (e.g. from the local authority, Eskom, Water Board). Can the project be catered for by the existing services infrastructure? Please provide details in the table below and attach correspondence confirming service provision from the relevant service provider, if available. (**NOTE:** A response to this question **must** be provided unless Question 11.2 is applicable to the project).

Item	Service Provider	Amount or capacity required	Capacity confirmed (Y/N)	Confirmed by whom?	Resource Conservation Measures
Water supply Peak demand (l/s) (If provided by the local authority, please submit written confirmation by the municipality of sufficient availability of water)					
Average demand (kl/day)					
Electricity Peak demand (kVA)					
Average demand (kVA)					

Item	Service Provider	Amount or capacity required	Capacity confirmed (Y/N)	Confirmed by whom?	Resource Conservation Measures
Solid waste					
- Collection (m ³)					
- Transport (m ³)					
- Disposal (m ³)					
- Treatment (m ³)					
Sewerage/effluent					
Peak flow (l/s)					
Average flow (kl/day)					

Item	Service Provider	Amount or capacity required	Capacity confirmed (Y/N)	Comments
Stormwater				
Peak flow (l/s)				
Average flow (l/s)				
Access (roads, rail)				
Other				

11.2 For projects where service infrastructure is not available and will have to specifically be developed for the project. What services will the project require and how will these be provided? (NOTE: This question need only be answered for developments where infrastructure and services are not in place).

Item	Yes/No	Quantity	Control measures to minimise environmental impacts/Resource Conservation Measures
Water abstraction (indicate source and any existing water servitudes inc. applicable volumes)			
Water supply (Additional volume required)			

Item	Yes/No	Quantity	Control measures to minimise environmental impacts/Resource Conservation Measures
Proposed water conservation measures to be implemented			
Electricity			
Solid waste - Collection (m ³)			
- Transport (m ³)			
- Disposal (m ³)			
- Treatment (m ³)			
Sewerage/effluent Peak flow (l/s)			
Average flow (l/s)			
Stormwater Peak flow (l/s)			
Average flow (l/s)			
Access (roads, rail)			
Other			

12 Please describe any alternatives that address environmental issues related to the development that are being considered (e.g. project layout, project site, technology selection, access)? **NOTE: If alternatives are not being considered, please submit an adequately motivated request in terms of section 28A for exemption from considering alternatives together with this checklist.**

Alternative	Description and Comments (Indicate which environmental impacts will be mitigated by way of the alternatives proposed)

13 Please provide details on the following environmental management procedures as applicable to your project or your organisation.

Item	Y/N	Details and examples
Have environmental factors been taken into account in the design and layout of the project (e.g. location of buildings and infrastructure, architectural style, landscaping)? Provide details / examples.		
Does your organisation/company normally implement environmental management procedures during the construction phase of projects? Provide details / examples.		
Has your organisation implemented environmental management procedures for ongoing operations (e.g. an ISO 14001 Environmental Management System)?		

14 Please provide additional information on mitigation measures or recommendations to manage environmental impacts, should you wish to supplement the information given in response to any of the previous questions.

Element of Project	Control measures/ solutions to minimise impacts

PUBLIC PARTICIPATION

15 You are required, as a minimum, to advise the adjacent/immediate neighbours and other relevant authorities about the project. What are the comments of the neighbours? Please summarise below and attach their written comments. Please furnish this Department with proof of such notification. Where concerns or positive comments have been obtained from the neighbours, the applicant's response to these must also be attached. This information must be attached as an Appendix. **On review of this application, the Department may request that further public participation be undertaken in terms of the Guideline for Public Participation for the EIA Process, September 2001.**

Please be advised that if section 38 of the National Heritage Resources Act 25 of 1999 is applicable to your proposed development, then you are requested to furnish this Department with written comment from Heritage Western Cape as part of your public participation process. Section 38 of the Act states as follows:

38. (1) Subject to the provisions of subsections (7), (8) and (9), any person who intends to undertake a development categorised as-

- (a) the construction of a road, wall, powerline, pipeline, canal or other similar form of linear development or barrier exceeding 300m in length;*
- (b) the construction of a bridge or similar structure exceeding 50 m in length;*
- (c) any development or other activity which will change the character of a site-*
 - (i) exceeding 5 000 m2 in extent; or*
 - (ii) involving three or more existing erven or subdivisions thereof; or*
 - (iii) involving three or more erven or divisions thereof which have been consolidated within the past five years; or*
 - (iv) the costs of which will exceed a sum set in terms of regulations by SAHRA or a provincial heritage resources authority;*
- (d) the re-zoning of a site exceeding 10 000 m2 in extent; or*
- (e) any other category of development provided for in regulations by SAHRA or a provincial heritage resources authority,*

must at the very earliest stages of initiating such a development, notify the responsible heritage resources authority and furnish it with details regarding the location, nature and extent of the proposed development.

SOCIO ECONOMIC CONSIDERATIONS

16 How many permanent jobs will be created by the project and how many jobs will be created during the construction phase?

Permanent jobs		Comments
Construction jobs		Comments

17 Please provide a brief description of the socio-economic characteristics of the area in which the project is proposed. Indicate possible negative and positive social consequences/implications.

GAPS IN KNOWLEDGE & ASSUMPTIONS

18 Please provide a brief description of gaps in information, any predictive measures used, and all underlying assumptions made pertaining to the project as well as any limitations (if no terms of reference are available); as well as any uncertainties encountered in the compiling of the required information.

II LEGAL AND POLICY ISSUES

The project may require approvals/permits from other authorities in the case of a new development, or revisions to existing permits in the case of an extension or upgrade of an existing development. If the response to any of the following questions is affirmative then you are advised to query the matter further with the relevant department in addition to submitting this checklist to the Department. If you are uncertain about the legislation that is applicable to your development, please consult the relevant authority shown in the table.

1 *National and Provincial Legislation:* Please provide relevant details in the table below and attach any authorisations already issued for the project.

Authorisation	Y/N	Application submitted?		Application approved?	
		Y/N	Date	Y/N	Date
Air emissions - Refer to the Second Schedule of the Atmospheric Pollution Prevention Act, 1965 (Act No. 45 of 1965)					

Authorisation	Y/N	Application submitted?		Application approved?	
		Y/N	Date	Y/N	Date
<p>1965)</p> <p><i>(Dept of Environment Affairs & Tourism - Applicable to industrial and manufacturing projects where air emissions will be discharged to atmosphere generally via a smoke stack or to extractive industries where dust will be generated)</i></p>					
Comments:					
<p>Effluent disposal - Refer to the Section 21 of the National Water Act, 1998 (Act No. 36 of 1998).</p> <p><i>(Dept of Water Affairs & Forestry – Applicable to projects where liquid waste is produced and will be disposed to a watercourse, wetland, dam or the sea. If effluent is to be discharged to a municipal sewer, application must be made to the relevant local authority)</i></p>					
Comments:					
<p>Water use – Refer to section 7 of the Water Services Act, 1997 (Act No. 108 of 1997) and Chapter 4 of the National Water Act, Act 108 of 1998.</p> <p><i>Dept of Water Affairs & Forestry – Applicable to projects where the water required for the project will be obtained from a source other than from an established municipal supply system ()</i></p>					
Comments:					
<p>Solid waste disposal - Refer to section 20 of the Environmental Conservation Act, 1989 (Act No. 73 of 1989) and the Minimum requirements for Waste Management from Dept. Water Affairs & Forestry</p> <p><i>(Dept of Water Affairs & Forestry – Applicable to any project where a solid waste disposal transfer station, treatment facility or disposal site is to be established or where a waste product will be stored for more than three months)</i></p>					
Comments:					
<p>Development of structures and lease of land below the high water mark- Refer to the Sea Shore Act, 1935 (Act No. 21 of 1935)</p>					

Authorisation	Y/N	Application submitted?		Application approved?	
		Y/N	Date	Y/N	Date
<p>(Dept of Environmental Affairs & Tourism and the Western Cape Nature Conservation Board)</p>					
<p>Comments:</p>					
<p>Driving of vehicles and construction of boat launching sites within the coastal zone - Refer to the Control of Vehicles in the Coastal Zone Regulations promulgated in terms of section 44 of The National Environmental Management Act, 1998 (Act No. 107 of 1998)</p> <p><i>(Dept of Environmental Affairs & Tourism, Dept of Environmental Affairs & Development Planning, the Western Cape Nature Conservation Board, SANP and relevant local authority)</i></p>					
<p>Comments:</p>					
<p>Agricultural activities - refer to the Conservation of Agricultural Resources Act, 1983 (Act No. 43 of 1983)</p> <p><i>(Dept of Agriculture - Applies to projects where agricultural activities involving ploughing and clearing of virgin land is being considered)</i></p>					
<p>Comments</p>					
<p>Archaeological , cultural, historical and other resources related to national heritage - Refer to the National Heritage Resources Act, 1999 (Act No. 25 of 1999)</p> <p><i>(Heritage Western Cape/SAHRA- Applies to projects where there are naturally and culturally significant features on or adjacent to the site where development is being proposed)</i></p>					
<p>Comments:</p>					
<p>Removal of indigenous fauna and flora - refer to the Nature Conservation Legislation: Nature and Environmental Conservation Ordinance, 1974</p>					

Authorisation	Y/N	Application submitted?		Application approved?	
		Y/N	Date	Y/N	Date
<p>Conservation Ordinance, 1974 (Ordinance 19 of 1974)</p> <p><i>(Western Cape Nature Conservation Board - Applies where fauna and flora may need to be removed and relocated. Applies to projects that involve the establishment of private nature reserves, development within nature reserves, establishment of nurseries or zoos).</i></p>					
<p>Hazardous Installations - Refer to the Major Hazard Installation Regulations promulgated in 1998 in terms of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993) – Section on Major Hazard Installation).</p> <p><i>(Dept of Labour and Dept of Environmental Affairs & Tourism – Applicable to projects where hazardous substances are stored and /or produced. Also refer to section 2 (1) of the Hazardous Substances Act, 1973 (Act No. 15 of 1973)</i></p>					

Note: Although there is provincial legislation that deals with land use matters, the necessary application in terms of this legislation must be lodged with the relevant local authority/municipality – refer question 2 below.

- 2** Is the project subject to any local authority authorisations (e.g. effluent disposal, land use planning, permit for fuel burning devices, development in sensitive coastal areas or in designated protected natural areas)? If yes, please provide a summary of discussions and agreements with local authorities, if any.

Authorisation	Y/N	Application submitted?		Application approved?	
		Y/N	Date	Y/N	Date
Land use planning					
Type of land use planning application:					
Effluent disposal					
Water supply					
Fuel burning device (e.g. boiler, furnace)					
Protected natural environment (PNE)					
Sensitive coastal area (Eg. OSCA regs)					
Noise					
Odours					
Other					

- 3** Has any national, provincial or local authority considered any development applications on the property previously? If so, please give a brief description of these applications, indicating if the applications were successful or not, as well as the periods of validity or expiry dates.

Previous application	Yes	No
Type/nature of application		
Authority that considered application:		
Application approved	Yes	No
Reasons for decision		
Period of validity of decision and expiry dates		

- 4** Is an amendment to the Structure Plan (including regional structure plans and former guide plans) required in order to accommodate the proposed development? If so, please indicate whether an application has been lodged with the relevant authority in this regard.

III ENVIRONMENTAL CHARACTERISTICS

1 Please provide information in the table below for **ALL THREE** questions for **EVERY SENSITIVE FEATURE** listed below. Please note that it is not necessary to commission specialist studies to respond to this table.

- (a). Are any of the following located on or near the site earmarked for development (second column)? if yes provide brief explanation (sixth/last column)
- (b). If yes, indicate distance from the site (third column)
- (c). Has this information been verified (fourth column)? If yes, provide details (fifth column). Information can be verified through discussion with the relevant authorities, published scientific papers/knowledge, local agricultural extension officers, local nature conservation officers and other similar means.

Feature	Y/N	Distance (m)	How was it determined?	Verified	
				Y/N	By whom
Unique geological feature					
Steep slopes (>1:4)					
High potential agricultural land/soil					
Mountainous area					
River, dam, lake or wetland					
A floodplain or within - 1:50 floodline / 1:100 floodline					
Currently used or potentially valuable groundwater resources					
Marine life					

Feature	Y/N	Distance (m)	How was it determined?	Verified	
				Y/N	By whom
Area below the high water mark					
Coastline or coastal feature such as dunes, estuaries and lagoons					
Areas occupied by indigenous vegetation such as:					
- Forests					
- Lowland fynbos					
- Mountain fynbos					
- Renosterveld					
- Strandveld					
- Succulent Karoo					
A habitat that is essential for the conservation of threatened plant or animal species.					
Breeding sites or migration routes of animal species					
Any protected plant or animal species or species that is known to be threatened (e.g. listed as a Red Data species)					

Feature	Y/N	Distance (m)	How was it determined?	Verified	
				Y/N	By whom
Unique architectural area (e.g. Urban Conservation Zone)					
Cultural or historical sites (e.g., battle site, historical monument, graveyard, sites for burial, worship, initiation)					
Archaeologically or paleontologically significant area (e.g. fossils, rock art)					
Designated or proposed nature conservation area (e.g. nature reserve, conservancy, Biosphere Reserve, World Heritage Site, RAMSAR site)					
A green belt or public open space					
A formal or informal residential area					
A community facility (school, hospital, sports hall/fields)					
A transition or buffer zone (e.g. urban edge, transition zone in a biosphere reserve)					

Feature	Y/N	Distance (m)	How was it determined?	Verified	
				Y/N	By whom
A scenic landscape					
Area or site of natural beauty					
A significant tourism route or scenic drive					

2 Please provide additional information on the environmental features of the site or the surroundings if you wish to supplement the details given in the above table.

IV INITIAL IDENTIFICATION OF ENVIRONMENTAL ISSUES

Please describe the environmental issues/concerns that have been identified in relation to the project. Environmental issues/concerns can be identified on the basis of the following:

- (a). The characteristics of the environment that could be affected by the activity (refer to information given in Section III).
- (b). Materials that are being used in the project during construction and operation (i.e. project inputs) (refer to information given in Section I).
- (c). Products, emissions (gaseous and liquid) and wastes produced by the project (i.e. project outputs) (refer to information given in Section I).

It should be noted that it is not necessary to assess the significance of these issues. The purpose of this question is to provide descriptive information on the environmental issues/concerns that are evident or known at this stage. Hence, it is sufficient to identify the environmental issue and to describe why it is of concern.

Environmental Issues/Concern	Y/N	Explanation/Comments
Geology		

Environmental Issues/Concern	Y/N	Explanation/Comments
Soils		
Topography		
Surface water (rivers, wetlands)		
Groundwater		
Coastal features		
Marine environment		
Sensitive ecosystems/habitats		
Sensitive plant species and communities		
Sensitive animal species or communities		
Cultural or Historic features		
Archaeological / Palaeontological features		
Land use (site and surroundings)		
Conservation areas		

Environmental Issues/Concern	Y/N	Explanation/Comments
Scenic landscapes		
Agricultural land		
Traffic and access		
Local community		
Site of religious or spiritual importance		
Aesthetics		
Air quality		
Water quality		
Solid waste (general and hazardous)		
Noise, light, radiation, vibration		
Infrastructure services (water, electricity etc.)		
Economic activity		
Other		

PLEASE NOTE: The Department will evaluate the information given in the application form and checklist and may:

- 1. Indicate that the application may be considered for a decision in terms of Regulation 6 of GN No R1183 of 5 September 1997, as amended, and that additional scoping tasks will not be required.** This decision will be based on the information provided in the application form and checklist and is dependent on whether the Department deems this to fulfil the requirements of a final scoping report. In the case of an authorisation being considered, the proponent/developer may be required to advertise this in accordance with the Department's Guideline on Public Participation for EIA, September 2001. The final decision about whether or not to grant an authorisation will be made having given due consideration to the response to the advertisement.
- 2. Request additional information on particular issues.** If limited additional information is required, it is in the interests of the developer/proponent to forward this timeously to expedite decision-making in terms of Regulation 6, without additional scoping requirements.
- 3. Request that additional scoping tasks be undertaken.** In such cases a Plan of Study for Scoping may be required. The Plan of Study for Scoping must describe how these tasks will be undertaken. The Department may either authorise or refuse authorisation of the proposed activity in terms of Regulation 6 on the basis of the results of the scoping process.
- 4. Require an EIA.** Having considered the final scoping report the Department may decide that an EIA is required before a decision about whether or not to authorise the activity can be made. Depending on the outcome of the EIA, the Department may authorise or refuse the application.
- 5. Make the authorisation subject to conditions.** Any "Conditions of Authorisation" that are issued by Department are legally binding and **the applicant is responsible for ensuring compliance with these conditions**. Monitoring of compliance with the conditions by an independent party appointed by the proponent/developer may be required by the Department. Failure to comply with these conditions may result in withdrawal of the authorisation in terms of Section 22(4) of the ECA.

I _____ have read the completed application form and scoping checklist and hereby confirm that the information provided is to the best of my knowledge true and correct.

Applicant's signature _____ Date: _____

I _____ certify that the information provided is to the best of my knowledge true and correct and I acknowledge that I understand the authorisation process as outlined above

Consultant's signature _____ Date: _____
(Please attach relevant professional registration or certification)

Department of Environmental Affairs and Tourism (Updated 3 July 2002)

Government Notice No. R. 1182

Government Gazette No.18261, Pretoria, 5 September 1997

ENVIRONMENT CONSERVATION ACT, 1989 (ACT No. 73 OF 1989)

THE IDENTIFICATION UNDER SECTION 21 OF ACTIVITIES WHICH MAY HAVE A SUBSTANTIAL DETRIMENTAL EFFECT ON THE ENVIRONMENT

[Amended by GN R 1355 of 1997-10-17, GN R 448 of 1998-03-27, GN R 670 of 2002-05-10 and GN R 782 of 2002-06-07]

I, Zweledinga Pallo Jordan, Minister of Environmental Affairs and Tourism, after consultation with the Minister of each department of State responsible for the execution, approval or control of such activities, the Minister of Finance and the competent authorities of the provinces, hereby under section 21 of the Environment Conservation Act, 1989 (Act No. 73 of 1989), identify the activities in Schedule 1 in general as activities which may have a substantial detrimental effect on the environment.

I further determine that this notice will commence in respect of different activities on the dates indicated in Schedule 2: Provided that this notice is not applicable to an activity that was commenced with before the date of commencement fixed in respect of that activity as indicated in the said Schedule.

Z. P. JORDAN
Minister of Environmental Affairs and Tourism

SCHEDULE 1

1. The construction, erection or upgrading of-
 - (a) facilities for commercial electricity generation with an output of at least 10 megawatts and infrastructure for bulk supply;
 - (b) nuclear reactors and facilities for the production, enrichment, processing, reprocessing, storage or disposal of nuclear fuels and wastes;
 - (c) with regard to any substance which is dangerous or hazardous and is controlled by national legislation-
 - (i) infrastructure, excluding road and rails, for the transportation of any such substance; and
 - (ii) manufacturing, storage, handling, treatment or processing facilities for any such substance;
 - (d) roads, railways, airfields and associated structures;
 - (e) marinas, harbours and all structures below the high-watermark of the sea and marinas, harbours and associated structures on inland waters;
 - (f) above ground cableways and associated structures;
 - (g) structures associated with communication networks, including masts, towers and reflector dishes, marine telecommunication lines and cables and access roads leading to those structures, but not including above ground and underground telecommunication lines and cables and those reflector dishes used exclusively for domestic purposes;
 - (h) racing tracks for motor-powered vehicles and horse racing. But not including indoor tracks;
 - (i) canals and channels, including structures causing disturbances to the flow of water in a river bed, and water transfer schemes between water catchments and impoundments;
 - (j) dams, levees and weirs affecting the flow of a river;
 - (k) reservoirs for public water supply;
 - (l) schemes for the abstraction or utilisation of ground or surface water for bulk supply purposes;
 - (m) public and private resorts and associated infrastructure;
 - (n) sewerage treatment plants and associated infrastructure;
 - (o) buildings and structures for industrial, commercial and military manufacturing and storage of explosives or ammunition or for testing or disposal of such explosives or ammunition

2. The change of land use from-
 - (a)
 - (b)
 - (c) agricultural or zoned undetermined use or an equivalent zoning to any other land use;
 - (d) use for grazing to any other form of agricultural use; and
 - (e) use for nature conservation or zoned open space to any other land use.
3. The concentration of livestock, aquatic organisms, poultry and game in a confined structure for the purpose of commercial production, including aquaculture and mariculture.
4. The intensive husbandry of, or importation of, any plant or animal that has been declared a weed or an invasive alien species.
5. The release of any organism outside its natural area of distribution that is to be used for biological pest control.
6. The genetic modification of any organism with the purpose of fundamentally changing the inherent characteristics of that organism.
7. The reclamation of land, including wetlands, below the high-water mark of the sea, and in inland waters.
8. The disposal of waste as defined in section 20 of the Act, excluding domestic waste, but including the establishment, expansion, upgrading or closure of facilities for all waste, ashes and building rubble.
9. Scheduled processes listed in the Second Schedule to the Atmospheric Pollution Prevention Act, 1965 (Act No. 45 of 1965).
10. The cultivation or any other use of virgin ground.
11. In these Regulations, unless the context indicates otherwise -

“relevant authority” means a relevant authority as defined in regulation 1 of Government Notice No. R.1183 of 5 September 1997, as amended by Government Notice No. R. 1645 of 5 December 1998;

“road” means -

- (a) any road determined to be a national road in terms of section 40 of the South African National Roads Agency Limited and National Roads Act, 1998 (Act No. 7 of 1998), including any part of such road;
- (b) any road for which a fee is charged for the use thereof;
- (c) any provincial road administered by a provincial authority;
- (d) any arterial road or major collector street administered by a metropolitan or local authority;
- (e) any road or track in an area protected by legislation for the conservation of biological diversity or archaeological, architectural or cultural sites or an area that has been zoned open space or an equivalent zoning; or
- (f) any road or track in an area regarded by the relevant authority as a sensitive area.

“upgrading” means the expansion beyond its existing size, volume or capacity of an existing facility, installation or other activity referred to in this Schedule, but does not include regular or routine maintenance and the replacement of inefficient or old plant, equipment or machinery where such does not have an increased detrimental effect on the environment;

“virgin ground” means land which has at no time during the preceding 10 years been cultivated.

SCHEDULE 2

Item number in Schedule 1	Date of commencement
1 (a) (b) (d) (e) (f) (h) (m); 7	8 September 1997
1 (g) (o); 3; 4; 5; 6	5 January 1998
1 (c) (i) (j) (k) (l) (n); 8; 9	2 March 1998
2 (a) (b) (c) (d) (e)	1 April 1998

**Note: 2(a) and 2(b) have been repealed and therefore the EIA Regulations do not apply to these activities.*

DECLARATION OF INDEPENDENCE BY THE ENVIRONMENTAL CONSULTANT

I/We _____ as Environmental Consultant to:

Proponent: _____

Project: _____

do hereby declare the following interests:

1. This consultancy is/is not* a subsidiary, legally or financially, of the proponent/s. (*delete what is inapplicable and give details on what is applicable)

Details _____

2. Remuneration for services by the proponent in relation to this proposal is / is partly/is not* linked to approval by **any** decision-making authority responsible for permitting this proposal (*delete what is inapplicable and give details on what is applicable)

Details _____

3. My/our consultancy has the following interest in secondary or downstream developments as a result of the authorisation of this project.

Details _____

I hereby declare that I am fully aware of my responsibilities in terms of Government Notice No.R.1183 of 5 September 1997, as amended.

Consultant (Full names) _____

Signature: _____ Date: _____

Witness _____ Date: _____