



Western Cape  
Government  
Environmental Affairs and  
Development Planning

BETTER TOGETHER.

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# Checklist for the Determination of the Applicability of the NEMA EIA Amendment Regulations, 2010

**Checklist for the determination of the applicability of the NEMA EIA Amendment Regulations, 2010**

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**Request for the Department to determine the applicability of the Environmental Impact Assessment Amendment Regulations, 2010 in terms of Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) – Form Number LNL07/2012**

**June 2013**

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(For official use only)		
File Reference Number:		
Date Received by Department:		
Date Received by Component:		
Form duly signed and dated:	YES	NO

**PROJECT TITLE**

**GENERAL INFORMATION TO READ BEFORE COMPLETING THIS CHECKLIST**

- On 18 June 2010 the Minister of Water and Environmental Affairs promulgated regulations in terms of Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA"), viz, the Environmental Impact Assessment Amendment Regulations ("EIA Regulations), 2010 (Government Notice No. R. 543, R. 544, R. 545, R. 546 and R. 547 in Government Gazette No. 33306 of 18 June 2010). These regulations came into effect on 02 August 2010 (Government Notice No. R. 660, R. 661, R. 662, R. 663, R. 664 and R. 665 in Government Gazette No. 33411 of 02 August 2010).
- CHECKLIST – APPLICABILITY OF THE NEMA EIA AMENDMENT REGULATIONS, 2010

August 2010). The EIA Regulations 2010 as amended replace the EIA Regulations that were promulgated in 2006 and also introduce new provisions regarding environmental impact assessments as well as regulations regarding environmental management frameworks ("EMF's").

2. This checklist must be used to request the Department to determine the applicability of the EIA Regulations, 2010 with respect to proposed development.
3. This checklist is current as of **June 2013**. It is the responsibility of the Proponent to ascertain whether subsequent versions of this checklist have been published or produced by the competent authority.
4. The required information must be typed within the spaces provided in the checklist. The sizes of the spaces provided are not necessarily indicative of the amount of information to be provided. The spaces are in the form of a table that will expand itself as each space is filled with typing.
5. The use of "not applicable" in the checklist must be done with circumspection. Where it is used in respect of material information that is required by the competent authority for assessing the request, this will result in the request for additional information.
6. Incomplete checklists will result in a request for additional information.
7. Unless protected by law all information contained in, and attached to this checklist, will become public information on receipt by the competent authority.
8. This checklist must be submitted to the Department at the postal address given below or by delivery thereof to the Registry Office of the Department. No faxed or e-mailed checklists will be accepted.
9. **This checklist is a guide to the information that must be submitted. Any additional information, pictures or explanations prompted by the checklist must be submitted along with this checklist in order to ensure that the Department does not need to request additional information from you.**

**DEPARTMENTAL DETAILS**

<b>CAPE TOWN OFFICE: REGION 1 (Cape Winelands District, City of Cape Town Metropolitan: Tygerberg District, Northern District and , Khayelitsha/ Mitchells Plain District)</b>	<b>CAPE TOWN OFFICE: REGION 2 (West Coast District, Overberg District, City of Cape Town Metropolitan: Helderberg District, Southern District, Blaauwberg District, Table Bay District, Cape Flats District)</b>	<b>GEORGE OFFICE: REGION 3 (The Eden District and Central Karoo District)</b>
<p>Applications and requests for specific fee reference numbers must be sent to the following details:</p> <p>Department of Environmental Affairs and Development Planning Attention: Directorate: Land Management (Region 1) Private Bag X 9086 Cape Town, 8000</p> <p>Registry Office 1<sup>st</sup> Floor Ufilitas Building 1 Dorp Street, Cape Town</p> <p>Queries should be directed to the Directorate: Land Management (Region 1) at:</p> <p>Tel: (021) 483-4793 Fax (021) 483-3633</p>	<p>Applications and requests for specific fee reference numbers must be sent to the following details:</p> <p>Department of Environmental Affairs and Development Planning Attention: Directorate: Land Management (Region 2) Private Bag X 9086 Cape Town, 8000</p> <p>Registry Office 1<sup>st</sup> Floor Ufilitas Building 1 Dorp Street, Cape Town</p> <p>Queries should be directed to the Directorate: Land Management (Region 2) at:</p> <p>Tel: (021) 483-5829 Fax (021) 483-4372</p>	<p>Applications and requests for specific fee reference numbers must be sent to the following details:</p> <p>Department of Environmental Affairs and Development Planning Attention: Directorate: Land Management (Region 3) Private Bag X 6509 George, 6530</p> <p>Registry Office 4<sup>th</sup> Floor, York Park Building 93 York Street George</p> <p>Queries should be directed to the Directorate: Land Management (Region 3) at:</p> <p>Tel: (044) 805 8600 Fax (044) 874-2423</p>

View the Department's website at <http://www.westerncape.gov.za/eadp> for the latest version of this document.

**IMPORTANT INFORMATION TO READ BEFORE COMPLETING THIS CHECKLIST**

With regards to the applicability of the EIA Regulations, 2010, note that:

- 1) The Departments response is based on the information submitted by you;

- 2) It is an offence in terms of the EIA Regulations, 2010 to provide incorrect or misleading information to the competent authority;
- 3) As such, the quality, correctness and detail of information submitted by you is extremely important;
- 4) It remains your responsibility to interrogate the specifics of your proposed development in order to report on the potential listed activities in this checklist;
- 5) The EIA Regulations, 2010 listed activities are contained in GN No. R. 544, R. 545, and R. 546 of 18 June 2010 available at [www.westerncape.gov.za/eadp](http://www.westerncape.gov.za/eadp);
- 6) The fact that your proposed development may not be listed in terms of the EIA Regulations, 2010 does not absolve you from your general "duty of care" set out in Section 28(1) of the NEMA which states that "Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment." (Note: When interpreting "duty of care" responsibility, cognisance must be taken of the principles of sustainability as contained in Section 2 of the NEMA.); and
- 7) The social context of the proposed development must always be considered. This may include potential impacts of the proposed development on social issues such as HIV and Aids prevalence and on gender related concerns.

## 1. BACKGROUND INFORMATION

Highlight the Departmental Sub-Region(s) in which the site falls	REGION 1 (Cape Winelands District, City of Cape Town Metropolitan: Tygerberg District, Northern District, Khayelitsha/ Mitchell's Plain District)	REGION 2 (Overberg District, City of CapeTown Metropolitan: Helderberg District, Southern District)	REGION 2 (West Coast District, City of CapeTown: Blaauwberg District, Table Bay District, Cape Flats District)	REGION 3 (The Eden District and Central Karoo District)
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Name of Proponent:		
RSA Identity/ Passport Number:		
Name of contact person (if other):		
RSA Identity/ Passport Number		
Postal address:		
		Postal code:
Telephone:	(    )	Cell:
E-mail:		Fax: (    )
Name of landowner:		
Name of contact person for landowner (if other):		
Postal address:		
		Postal code:
Telephone:	(    )	Cell:
E-mail:		Fax: (    )

<b>Please note:</b> In instances where there is more than one landowner (excluding linear activities), please attach a list of landowners with their contact details, together with copies of the notices given to these landowners about this request to the back of this form should they not be the proponent.			
Property location:			
Farm name/s, Erf No., portion/s, route etc.:			
Property site size/s (m <sup>2</sup> ):			
Development footprint size/s (m <sup>2</sup> ):			
SG21 Digit code/s for all proposed sites:			
Physical address/es where development will take place:			
Coordinates of all proposed sites:	Latitude (S)	Longitude (E)	
	°	'	"
	°	'	"
For linear activities, coordinates must be provided for starting, middle (or points along the route) and end points.			
Magisterial District or Town:			
Local Authority:			

**NOTE: You are required to attach aerial photographs and other supporting pictorial evidence clearly showing the site/s under discussion, all neighbouring sites, the proposed development footprint, any critical biodiversity areas or ecologically sensitive areas, any areas of heritage concern, the high-water mark and proximity to the sea, estuaries and/or watercourses where applicable. In addition, where watercourses are applicable, the 32m line from the banks of the watercourse must be shown on a map. Where estuaries are applicable, the 5m contour line (i.e. the estuarine functional zone) must be shown on a map. In order to source this information, please visit [www.bgis.sanbi.org](http://www.bgis.sanbi.org) and select the relevant National Estuaries Map.**

**If this evidentiary support is not included herewith, the Department WILL request this as additional information.**

## 2. DETAILS OF CURRENT ACTIVITIES

a) Do you have any existing approvals for the activity? If yes, provide complete details of all approvals and attach a copy/ies herewith.	YES	NO
b) Have any activities physically commenced?	YES	NO
c) List the date of commencement of these activities (dd/mm/yy).		
d) Describe the commencement of these activities.		

e) Clearly describe the existing state of the site/s/route (vegetation and cover, slope, drainage etc). This must be supported by recent photographs.

### 3. DETAILS OF THE PROPOSED DEVELOPMENT

a) Does the proposed development involve the expansion or changes to an existing facility or the construction of a new facility?
b) Does the proposed development involve any expansion of an existing developed footprint? Explain.
c) What is the total area (m <sup>2</sup> ) of land to be physically cleared for the proposed development (including associated infrastructure)? Provide a breakdown of the required footprint.
d) Describe your proposed development in detail. Include a detailed site plan clearly showing the development footprint, all capacities, areas, volumes, heights, lengths etc.
e) Provide a concise description of all associated infrastructure with respect to the proposed development (e.g. the size and lengths of pipelines required).
f) Specifically list any dangerous goods (e.g. but not limited to chemicals/hazardous substances) and volumes thereof that will be stored on the site during construction or operational activities.

**4. CLEARLY LIST THE POTENTIAL LISTED ACTIVITIES THAT YOU ARE UNSURE OF BUT THAT YOU MAY REGARD AS BEING APPLICABLE (LIST ACTIVITY NUMBERS ONLY)**

GN No. R. 544:

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GN No. R. 545:

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GN No. R. 546:

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**5. DETAILS OF THE SURROUNDING DEVELOPMENT CONTEXT**

a) Describe all immediately neighbouring land uses bordering all sides of the site/s/route.
b) What is the current zoning and current land use of the site/s/route?
c) Describe how the proposed development is consistent with the surrounding land uses.
d) Do you hold any existing valid planning approvals (attach herewith)? Explain.

**6. ENVIRONMENTAL CONTEXT**

a) Will the proposed development result in air emissions, waste generation, effluent discharges or impacts on the natural or cultural environment? Explain.
b) Does the site/s/route form part of a Critical Biodiversity Area? Explain.
c) What is the ground cover on the site proposed to be developed? If the ground cover includes vegetation, what proportion of the vegetation is comprised of indigenous vegetation?

d) Are there any watercourses on the site/s/route or within 32m of any of the site/s/route boundaries? Explain and illustrate clearly by means of a map/aerial photograph (preferably a 1:10 000 scale).
e) Is the site/s/route within 100m of the high-water mark of the sea or an estuary? Explain and illustrate clearly by means of a map/aerial photograph.
f) Does the proposed development fall inside an urban area? Explain.
g) Describe what investigations or assessments have already been undertaken (if any) to inform this request. Provide as attachments herewith.
h) Has any form of public participation been conducted with respect to the proposed development? Explain and attach proof where relevant.

**The competent authority will request additional information if it is believed that it is necessary for the consideration of this request.**



## 7. DECLARATION

### THE PROPONENT

I .....ID number....., in my **personal capacity** or **duly authorized thereto by** (please circle the applicable option) .....  
(name of legal entity) hereby declare that I/we:

- regard the information contained in this checklist to be true and correct;
- am fully aware of my responsibilities in terms of the National Environmental Management Act of 1998 ("NEMA") (Act No. 107 of 1998), the Environmental Impact Assessment Amendment Regulations ("EIA Regulations"), 2010 in terms of NEMA (Government Notice No. R. 543 refers), and the relevant specific environmental management Acts, and that failure to comply with these requirements may constitute an offence in terms of the environmental legislation;
- am fully aware that the Departments determination of the applicability of the EIA Regulations, 2010 is based on information provided by me;
- will provide the competent authority with all information requested and access to all information at my disposal that is relevant to this request;
- hereby indemnify, the government of the Republic, the competent authority and all its officers, agents and employees, from any liability arising out of, *inter alia*, any loss or damage to property or person as a consequence of any development within the development setback area as adopted by the competent authority;
- am aware that the response from the competent authority, to this request, is specific to the EIA Regulations, 2010 and does not exempt me from my legal obligations in terms of any other applicable legislation; and
- am aware that a false declaration is an offence in terms of regulation 71 GN No. R. 543.

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Signature of the proponent:

Date:

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Name of company (where applicable):