

APPLICATION FORM



WESTERN CAPE DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

Application for authorisation in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998), as amended and the Environmental Impact Assessment Regulations, 2006

JULY 2006¹

Kindly note that:

1. This form must be used in all instances for applications for Basic Assessment, Scoping & Environmental Impact Assessment as well as any Exemption applications
2. This form is current as of 1 July 2006. It is the responsibility of the Applicant / EAP to ascertain whether subsequent versions of the form have been published or produced by the competent authority.
3. The required information must be typed within the spaces provided in the form. The sizes of the spaces provided are not necessarily indicative of the amount of information to be provided. It is in the form of a table that can extend itself as each space is filled with typing.
4. Incomplete applications may be rejected or returned to the applicant for amendment.
5. The use of "not applicable" in the form must be done with circumspection. Where it is used in respect of material information that is required by the competent authority for assessing the application, this may result in the rejection of the application as provided for in the regulations.
6. No faxed or e-mailed applications will be accepted.
7. Unless protected by law all information contained in, and attached to this application, will become public information on receipt by the competent authority. Upon request, any interested and affected party should be provided with the information contained in and attached to this application. During any stage of the application process, the information contained in and attached to it must be provided by the applicant / EAP.
8. This form must be submitted to the Department at the postal address given below or by delivery thereof to the Registry Office of the Department. Should the application form and attached reports not be submitted to the addresses given below it will be rejected.

DEPARTMENTAL DETAILS

CAPE TOWN OFFICE REGION A (Breede River/ Winelands, City of Cape Town: Tygerberg and Oostenberg Administrations)	CAPE TOWN OFFICE REGION B (West Coast, Overberg, City of Cape Town: Helderberg, South Peninsula, Cape Town and Blaauwberg Administrations)	GEORGE OFFICE (Eden and Central Karoo)
Department of Environmental Affairs and Development Planning Attention: Directorate: Integrated Environmental Management (Region A2) Private Bag X 9086 Cape Town, 8000 Registry Office 1 st Floor Utilitas Building 1 Dorp Street, Cape Town Queries should be directed to the Directorate: Integrated Environmental	Department of Environmental Affairs and Development Planning Attention: Directorate: Integrated Environmental Management (Region B) Private Bag X 9086 Cape Town, 8000 Registry Office 1 st Floor Utilitas Building 1 Dorp Street, Cape Town Queries should be directed to the Directorate: Integrated Environmental Management (Region B)	Department of Environmental Affairs and Development Planning Attention: Directorate: Integrated Environmental Management (Region A1) Private Bag X 6509 George, 6530 Registry Office 4 th Floor, York Park Building 93 York Street George Queries should be directed to the Directorate: Integrated Environmental Management

¹ DEA&DP have confirmed that this is the latest form for use.

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Management (Region A2) at: Tel: (021) 483-4793 Fax (021) 483-3633	at: Tel: (021) 483-4094 Fax (021) 483-4372	(Region A1) at: Tel: (044) 874-2160 Fax (021) 874-2423
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View the Department's website at <http://www.westerncape.gov.za/eadp> for the latest version of the documents.

1. BACKGROUND INFORMATION

Project applicant:	Transnet Limited		
Trading name (if any):	Transnet National Ports Authority of South Africa		
Contact person:	Dave Bush		
Postal address:	Private Bag X 20		
	Gallo Manor	Postal code:	2052
Telephone:	(011) 231 6002	Cell:	083 557 1654
E-mail:	david.bush@transnet.net	Fax:	(011) 239 5360
Project Consultant	HMGJV		
Contact person:	Ellen Campbell		
Postal address:	Private Bag X 20		
	Gallo Manor	Postal code:	2052
Telephone:	(011) 231 6024	Cell:	076 975 1043
E-mail:	Ellen.Campbell@hmgjv.co.za	Fax:	(011) 239 5802
Environmental Assessment Practitioner (EAP):	PDNA/SRK Joint Venture		
Contact person:	Sharon Jones		
Postal address:	Postnet Suite # 206, Private Bag X 18		
	Rondebosch	Postal code:	7701
Telephone:	(021) 659 3060	Cell:	082 876 0638
E-mail:	sjones@srk.co.za	Fax:	(021) 685 7105
EAP Qualifications	BSc (Hons) Environmental Science M.Phil		
EAP Registrations/Associations	Pr. Sci. Nat (Environmental Science); CEAPSA		
Landowner:	Transnet Limited, trading as Transnet National Ports Authority of South Africa		
Contact person:	Attie Swanepoel		
Postal address:	Private Bag X1		
	Saldanha	Postal code:	7395
Telephone:	(022) 703 5445	Cell:	083 285 3500
E-mail:	attie.swanepoel@transnet.net	Fax:	(022) 713 5468

Please note that in instances where there is more than one landowner, please attach a list of landowners with their contact details to the back of this page.

Municipality in whose area of jurisdiction the proposed activity will fall:	Saldanha Bay Municipality		
Contact person:	Daan Visser		
Postal address:	Private Bag X 12		
	Vredenburg	Postal code:	7380
Telephone:	(022) 701 7051	Cell:	083 652 8186
E-mail:	daanv@saldanhabay.co.za	Fax:	(022) 715 1518

Please note that in instances where there is more than one Municipality involved, please attach a list of Municipality with their contact details to the back of this page.

Project title:	Reverse Osmosis Desalination Plant, Transnet Iron Ore Handling Facility, Saldanha		
Property location:	Port of Saldanha		
Farm/Erff name & number (including portion)	Site Alternatives 1 & 2 – erf 1185 Site Alternative 3 – erf 196		
SG21 Digit code	Site Alternatives 1 & 2 – C04600120000118500000 Site Alternative 3 - C04600120000019600000		

Please note where a large number of properties are involved (e.g. linear activities), attach a list of property descriptions to the back of this page.

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Street address:	Port of Saldanha – MR 559, Saldanha		
Magisterial District or Town:	Saldanha		
<p>Please note that in instances where there is more than one town or district involved, please attach a list of towns or districts as well as complete physical address information for the entire area to the back of this page.</p>			
Closest City/Town:	Saldanha	Distance	6 km
Zoning of Property:	Port and related activities		

Please note that in instances where there is more than one zoning, please attach a list of zonings that also indicate which portions each use pertains to, to this application.

Is a rezoning application required?	YES	NO
Is a consent use application required?	YES	NO
Locality map:	<p>A locality map must be attached to the back of this document, as Appendix A. The scale of the locality map must be at least 1:50 000. The scale must be indicated on the map. The map must indicate the following:</p> <ul style="list-style-type: none"> An accurate indication of the project site and all site alternatives. Road names or numbers of all the major roads as well as the roads that provide access to the site(s) A north arrow. 	
Site Plan:	<p>Detailed site plan(s) must be prepared for each alternative site or alternative activity. It must be attached as Appendix B to this document. The site plan must contain or conform to the following:</p> <ul style="list-style-type: none"> The detailed site plan must be at a scale of 1:500 or larger. The scale must be indicated on the plan. The property boundaries and numbers of all the properties within 50m of the site must be indicated on the site plan. The current land use (not zoning) as well as the land use zoning of each of the adjoining properties must be indicated on the site plan. The position of each element of the application as well as any other structures on the site must be indicated on the site plan. Services, including electricity supply cables (indicate above or underground), water supply pipelines, boreholes, sewage pipelines, storm water infrastructure and access roads that will form part of the development must be indicated on the site plan. Servitudes indicating the purpose of the servitude must be indicated on the site plan. Sensitive environmental elements within 100m of the site must be included on the site plan, including (but not limited to): <ul style="list-style-type: none"> Rivers. Flood lines (<i>i.e.</i> 1:10, 1:50, year and 32 meter set back line from the banks of a river/stream). Ridges. Cultural and historical features. Areas with indigenous vegetation (even if it is degraded or infested with alien species). Whenever the slope of the site exceeds 1:10, then a contour map of the site must be submitted. <p>Please Note: If the above mentioned site plan(s) is not attached to this application, such plan(s) must be submitted as part of the Basic Assessment Report or Scoping Report.</p>	
Owners consent:	<p>Letters of consent from all landowners or a detailed explanation by the applicant explaining why such letters of consent are not furnished must be attached to the back of this document as Appendix C. Attached to this application form is a landowner's consent form that could be used.</p>	

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2. ACTIVITIES APPLIED FOR

All potential listed activities (basic assessment (Government Notice R386 activities) and Scoping & EIA (Government Notice R387 activities)) associated with the proposed development must be indicated below. (See Annexures A & B).

Government Notice R386 Activity No(s):	Describe the relevant Basic Assessment Activity in writing
2 (d), (e), (f)* & (g)*	Construction or earthmoving activities in the sea or within 100 metres inland of the high water mark of the sea, in respect of : (d) embankments; (e) stabilising walls; (f) buildings and (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 high water mark of the sea.
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.
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)
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.
Note: This list of activities includes all activities associated with all of the alternatives. Activities marked with an * are specific to the preferred alternative.	
Government Notice R387 Activity No(s):	Describe the relevant Scoping and EIA Activity in writing
None	N/A
Please note: Only those activities for which the applicant applies will be considered for authorization. The onus is on the applicant to ensure that all the applicable listed activities are included in the application. Failure to do so may invalidate the application.	

3. TYPE OF APPLICATION

Is this an application for conducting a basic assessment?	YES	NO
Is this an application for Scoping and EIA?	YES	NO
Is exemption from any provisions of the regulations being applied for? If yes, please complete section 4 below.	YES	NO

4. APPLICATION FOR EXEMPTION

The relevant parts of this section must be completed for any application for exemption from provisions of the regulations.

4.1 TYPE OF EXEMPTION APPLICATION

I hereby apply for exemption in terms of regulation 51 of the Environmental Impact Assessment Regulations, 2006 ("regulations"), from the following: (tick ("✓") appropriate boxes):

a) Appointing an Environmental Assessment Practitioner as required by regulation 17.	
b) Assessing alternatives as required by section 24(4)(b) of the National Environmental Management Act, 1998 (Act No. 107 of 1998).	
c) Provisions of Public Participation as required by regulation 56 (2) of the regulations.	
d) Any other provision of the regulations.	

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(a) APPLICATION FOR EXEMPTION FROM APPOINTING AN ENVIRONMENTAL ASSESSMENT PRACTITIONER:

Please Note: Before completing the application for exemption the applicant should familiarize him/herself with the Department's Guideline on Exemption Applications.

Provide a detailed motivation for not appointing an Environmental Assessment Practitioner (supporting documents, if any, should be attached to this report):

N/A

(b) APPLICATION FOR EXEMPTION FROM ASSESSING ALTERNATIVES:

Provide a detailed motivation for not considering alternatives (supporting documents, if any, should be attached to this report):

N/A

(c) APPLICATION FOR EXEMPTION FROM PUBLIC PARTICIPATION:

I hereby apply for exemption in terms of regulation 51 of the Environmental Impact Assessment Regulations, 2006, from having to give notice in terms of regulation 56 (2) to all potential interested and affected parties of the application by (tick ("✓") relevant box/es below):

(a) fixing a notice board at a place conspicuous to the public at the boundary or on the fence of -	
(i) the site where the activity to which the application relates is or is to be undertaken; and	
(ii) any alternative site mentioned in the application;	
(b) 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 owners and occupiers of land within 100 meters of the boundary of the site or alternative site who are or may be directly affected by the activity;	
(iii) the municipal councillors of the ward in which the site or alternative site is situated and any organisation of ratepayers that represents the community in the area;	
(iv) the municipality which has jurisdiction in the area; and	
(v) any organ of state having jurisdiction in respect of any aspect of the activity;	
(c) placing an advertisement in –	
(i) one local newspaper; or	
(ii) any official <i>Gazette</i> that is published specifically for the purpose of providing public notice of applications or other submissions made in terms of the Regulations; and	
(d) placing an advertisement in at least one provincial newspaper or national newspaper, if the activity has or may have an impact that extends beyond the boundaries of the metropolitan or local municipality in which it is or will be undertaken	

Provide a detailed motivation for not undertaking the public participation requirements ticked off above (supporting documents, if any, should be attached to this report):

N/A

(d) APPLICATION FOR EXEMPTION FROM ANY OTHER PROVISIONS OF THE REGULATIONS:

APPLICATION FORM

Please list and describe the relevant provision(s) of the regulations for which exemption is being applied for:
N/A

Provide a detailed motivation for each provision including (supporting documents, if any, should be attached to this report):
N/A

4.2 RIGHTS AND INTERESTS OF OTHER PARTIES

Was the application for the exemption(s) included in a public participation process? Please explain	YES	NO
N/A		

Will the rights and interests of other parties be adversely affected by the proposed exemption(s)? Please Explain	YES	NO
N/A		

5. DECLARATIONS

5.1 The Applicant

I....., in my personal capacity or duly authorized thereto hereby declare that:

- The information contained in this application form is true and correct, and
- I am fully aware of my responsibilities in terms of the National Environmental Management Act of 1989 (“NEMA”) (Act No. 107 of 1998) and the Environmental Impact Assessment Regulations (“EIA Regulations”) in terms of NEMA (Government Notice No. R. 385, R. 386, and R. 387 in the Government Gazette of 21 April 2006 refer), and that failure to comply with these requirements may constitute an offence in terms of NEMA and the EIA Regulations.

Please Note: If acting in a representative capacity, a certified copy of the resolution or power of attorney must be attached.

Signature of the applicant:

Name of company:

Date:

5.2 The independent Environmental Assessment Practitioner

I, as the appointed independent environmental practitioner hereby declare that:

- The information contained in this application form is true and correct, and
- I am fully aware of my responsibilities in terms of the National Environmental Management Act of 1989 (“NEMA”) (Act No. 107 of 1998) and the Environmental Impact Assessment Regulations (“EIA Regulations”) in terms of NEMA (Government Notice No. R. 385, R. 386, and R. 387 in the Government Gazette of 21 April 2006 refer), and that failure to comply with these requirements may constitute an offence in terms of NEMA and the EIA Regulations.

Note: The terms of reference must be attached. (► Note: The proposal (which provides the terms of reference for PDNA/SRK JV) for this Basic Assessment is attached to the Main Report as **Appendix H2**).

Signature of the environmental assessment practitioner:

Name of company:

Date:

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

No. R. 386

21 April 2006

LIST OF ACTIVITIES AND COMPETENT AUTHORITIES IDENTIFIED IN TERMS OF SECTIONS 24 AND 24D OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998

The Minister of Environmental Affairs and Tourism has in terms of sections 24 and 24D of the National Environmental Management Act, 1998 (Act No. 107 of 1998), listed the activities in the Schedule.

This Notice comes into effect on the date of commencement 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.

Definitions

In this Notice, any word or expression to which a meaning has been assigned in the Act shall have the meaning so assigned, and unless the context otherwise indicates -

“agri-industrial” means an undertaking involving the production, processing, manufacture, packaging or storage of agricultural produce and includes battery farm operations that are under roof;

“aquaculture” means the farming of animals or plants in an aquatic environment;

“asbestos” means any fibrous mineral silicates, including actinolite, amosite, anthophyllite, chrysotile, crococolite or tremolite;

“associated structures or infrastructure” means any building or infrastructure that is necessary for the functioning of a facility or activity or that is used for an ancillary service or use from the facility;

“canal” means an open structure that is lined or reinforced for the conveying of a liquid or that serves as an artificial watercourse;

“channel” means an excavated hollow bed for running water or an artificial underwater depression to make a water body navigable or to improve the flow of water in a natural stream, river or the sea;

“concentration of animals” means the keeping of animals in a confined space or structure, including a feedlot, where they are fed in order to prepare them for slaughter or to produce secondary products such as milk or eggs;

“construction” means the building, erection or expansion of a facility, structure or infrastructure that is necessary for the undertaking of an activity, but excludes any modification, alteration or upgrading of such facility, structure or infrastructure that does not result in a change to the nature of the activity being undertaken or an increase in the production, storage or transportation capacity of that facility, structure or infrastructure;

“dangerous goods” means goods that are capable of posing a significant risk to the health and safety of people or the environment and which are listed in South African National Standard No.10228 designated “The identification and classification of dangerous goods for transport”, SANS 10228:2003, edition 3, published by Standards South Africa, ISBN 0-626-14417-5, as may be amended from time to time;

“expansion” means the modification, extension or alteration of a facility, structure or infrastructure at which an activity takes place in such a manner that the production, treatment, storage or capacity of the facility is increased;

“floodplain” means a discernable flat landscape feature next to a river or stream that was created by weathering and sedimentation over time;

“high-water mark” means the highest line reached by the water of the sea during ordinary storms occurring during the most stormy period of the year, excluding exceptional or abnormal floods;

“infill development” means urban development, including residential, commercial, retail, institutional, educational and mixed use development, but excluding industrial development, in a built up area which is at least 50 percent abutted by urban development and which can be readily connected to municipal bulk infrastructure services;

“mariculture” means the culture or husbandry of fish in sea water;

“mine” when used as a noun or a verb as defined in section 1 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), as amended;

“mineral” means a mineral as defined in section 1 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002);

“mining area” means an area as defined in terms of section 1 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), as amended;

“mining permit” means a permit as defined in terms of section 1 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), as amended;

“mixed use”, with regard to an activity, means the presence of two or more types of land use in an area;

“petroleum” means any liquid, solid hydrocarbon or combustible gas as defined in section 1 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), as amended;

“phased development” means an activity that is developed in phases over time on the same or adjacent properties to create a single or linked entity through interconnected internal vehicular or pedestrian circulation, sharing of infrastructure, or the continuum of design, style or concept by the same proponent or his or her successors.

“prospecting” means prospecting as defined in section 1 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002);

“prospecting area” means an area as defined in section 1 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), as amended;

“prospecting right” means a right as defined in section 1 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), as amended;

“reconnaissance permit” means a permit as defined in section 1 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), as amended;

“retention area” means an area as defined in section 1 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), as amended;

“retention permit” means a permit as defined in section 1 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), as amended;

“sea” means the water and the bed of the sea and the subsoil thereof, below the high-water mark, including the water and the bed of any tidal river and tidal lagoon;

“South African Manual for Outdoor Advertising Control” means the Department of Environmental Affairs and Tourism and the Department of Transport publication titled “South African Manual for Outdoor Advertising Control”, published by the Department of Environmental Affairs and Tourism, April 1998, ISBN: 0-621-27343-0;

“the Act” means the National Environmental Management Act, 1998 (Act No. 107 of 1998); and

“the regulations” means the Environmental Impact Assessment Regulations, 2006.

SCHEDULE

ACTIVITIES IDENTIFIED IN TERMS OF SECTION 24(2)(a) AND (d) OF THE ACT, WHICH MAY NOT COMMENCE WITHOUT ENVIRONMENTAL AUTHORISATION FROM THE COMPETENT AUTHORITY AND IN RESPECT OF WHICH THE INVESTIGATION, ASSESSMENT AND COMMUNICATION OF POTENTIAL IMPACT OF ACTIVITIES MUST FOLLOW THE PROCEDURE AS DESCRIBED IN REGULATIONS 22 TO 26 OF THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2006, PROMULGATED IN TERMS OF SECTION 24(5) OF THE ACT -

Activity number	Activity description
1	<p>The construction of facilities or infrastructure, including associated structures or infrastructure, for –</p> <ul style="list-style-type: none"> (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 - <ul style="list-style-type: none"> (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 - <ul style="list-style-type: none"> (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; (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 - <ul style="list-style-type: none"> (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;

	<p>(o) the recycling, re-use, handling, temporary storage or treatment of general waste with a throughput capacity of 20 cubic metres or more daily average measured over a period of 30 days, but less than 50 tons daily average measured over a period of 30 days;</p> <p>(p) the temporary storage of hazardous waste;</p> <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;</p> <p>(r) the outdoor racing of motor powered vehicles including - (i) motorcars; (ii) trucks; (iii) motorcycles; (iv) quad bikes; (v) boats; and (vi) jet skis;</p> <p>(s) the treatment of effluent, wastewater or sewage with an annual throughput capacity of more than 2 000 cubic metres but less than 15 000 cubic metres;</p> <p>(t) marinas and the launching of watercraft on inland fresh water systems;</p> <p>(u) above ground cableways and funiculars;</p> <p>(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.</p>
2	<p>Construction or earth moving activities in the sea or within 100 metres inland of the high-water mark of the sea, in respect of –</p> <p>(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.</p>
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 high-water 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 of 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. R. 385 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) the disposal of waste; (e) the treatment of effluent, wastewater and sewage with an annual throughput capacity of 15 000 cubic metres or more; (f) the recycling, handling, temporary storage or treatment of general waste with a daily throughput capacity of 20 cubic metres or more; or (g) the recycling, handling, temporary storage or treatment of hazardous waste.
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. R. 385 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.
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.

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

No. R. 387

21 April 2006

LIST OF ACTIVITIES AND COMPETENT AUTHORITIES IDENTIFIED IN TERMS OF SECTIONS 24 AND 24D OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998

The Minister of Environmental Affairs and Tourism has in terms of sections 24 and 24D of the National Environmental Management Act, 1998 (Act No. 107 of 1998), listed the activities in the Schedule.

This Notice comes into effect on the date of commencement 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.

Definitions

In this Notice, any word or expression to which a meaning has been assigned in the Act shall have the meaning so assigned, and unless the context otherwise indicates -

“asbestos” means any fibrous mineral silicates, including actinolite, amosite, anthophyllite, chrysotile, crococolite or tremolite;

“associated structures or infrastructure” means any building or infrastructure that is necessary for the functioning of a facility or activity or that is used for an ancillary service or use from the facility;

“construction” means the building, erection or expansion of a facility, structure or infrastructure that is necessary for the undertaking of an activity, but excludes any modification, alteration or upgrading of such facility, structure or infrastructure that does not result in a change to the nature of the activity being undertaken or an increase in the production, storage or transportation capacity of that facility, structure or infrastructure;

“dangerous goods” means goods that are capable of posing a significant risk to the health and safety of people or the environment and which are listed in South African National Standard No.10228 designated “The identification and classification of dangerous goods for transport”, SANS 10228:2003, edition 3, published by Standards South Africa, ISBN 0-626-14417-5, as may be amended from time to time;

“expansion” means the modification, extension or alteration of a facility, structure or infrastructure at which an activity takes place in such a manner that the production, treatment, storage or capacity of the facility is increased;

“exploration area” means an area as defined in section 1 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), as amended;

“exploration right” means the rights as defined in section 1 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), as amended;

“filling station” means a site where petrol, diesel, liquid petroleum gas or paraffin is offered for sale, and includes shops and car-washing facilities that are located on the same property or form part of the same development but excludes retail shops that sell gas or paraffin in small containers;

“high-water mark” means the highest line reached by the water of the sea during ordinary storms occurring during the most stormy period of the year, excluding exceptional or abnormal floods;

“mine” used as a noun or a verb as defined in section 1 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), as amended;

“mineral” means a mineral as defined in section 1 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002);

“mining area” means an area as defined in terms of section 1 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), as amended;

“mining operation” means an operation as defined in terms of section 1 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), as amended;

“mining right” means a right as defined in section 1 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), as amended;

“petroleum” means any liquid, solid hydrocarbon or combustible gas as defined in section 1 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), as amended;

“production area” means an area as defined in section 1 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), as amended;

“production operation” means an operation as defined in section 1 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), as amended;

“production right” means a right as defined in section 1 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), as amended;

“sea” means the water and the bed of the sea and the subsoil thereof, below the high-water mark, including the water and the bed of any tidal river and tidal lagoon;

“the Act” means the National Environmental Management Act, 1998 (Act No. 107 of 1998); and

“the regulations” means the Environmental Impact Assessment Regulations, 2006.

SCHEDULE

ACTIVITIES IDENTIFIED IN TERMS OF SECTION 24(2)(a) AND (d) OF THE ACT, WHICH MAY NOT COMMENCE WITHOUT ENVIRONMENTAL AUTHORISATION FROM THE COMPETENT AUTHORITY AND IN RESPECT OF WHICH THE INVESTIGATION, ASSESSMENT AND COMMUNICATION OF POTENTIAL IMPACT OF ACTIVITIES MUST FOLLOW THE PROCEDURE AS DESCRIBED IN REGULATIONS 27 TO 36 OF THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2006, PROMULGATED IN TERMS OF SECTION 24(5) OF THE ACT -

Activity number	Activity description
1	<p>The construction of facilities or infrastructure, including associated structures or infrastructure, for -</p> <ul style="list-style-type: none"> (a) the generation of electricity where – <ul style="list-style-type: none"> (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; (f) the recycling, re-use, handling, temporary storage or treatment of general waste with a throughput capacity of 50 tons or more daily average measured over a period of 30 days; (g) the use, recycling, handling, treatment, storage or final disposal of hazardous waste; (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 - <ul style="list-style-type: none"> (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) the final disposal of general waste covering an area of 100 square metres or more or 200 cubic metres or more of airspace; (p) the treatment of effluent, wastewater or sewage with an annual throughput capacity of 15 000 cubic metres or more; (q) the incineration, burning, evaporation, thermal treatment, roasting or heat sterilisation of waste or effluent, including the cremation of human or animal tissue; (r) the microbial deactivation, chemical sterilisation or non-thermal treatment of waste or effluent; (s) rail transportation, excluding railway lines and sidings in industrial areas and underground railway lines in mines, but including - <ul style="list-style-type: none"> (i) railway lines;

	<p>(ii) stations; or</p> <p>(iii) shunting yards;</p> <p>(t) any purpose where lawns, playing fields or sports tracks covering an area of 10 hectares or more, will be established.</p>
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	<p>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 –</p> <p>(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);</p> <p>(b) it is a road administered by a provincial authority;</p> <p>(c) the road reserve is wider than 30 metres; or</p> <p>(d) the road will cater for more than one lane of traffic in both directions.</p>
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 high-water 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	<p>Construction or earth moving activities in the sea or within 100 metres inland of the high-water 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 –</p> <p>(h) facilities associated with the arrival and departure of vessels and the handling of cargo;</p> <p>(i) piers;</p> <p>(j) inter- and sub-tidal structures for entrapment of sand;</p> <p>(k) breakwater structures;</p> <p>(l) rock revetments and other stabilising structures;</p> <p>(m) coastal marinas;</p> <p>(n) coastal harbours;</p> <p>(o) structures for draining parts of the sea;</p> <p>(p) tunnels; or</p> <p>(q) underwater channels.</p>
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).

**CONSENT IN TERMS OF REGULATION 15(2) OF THE ENVIRONMENTAL IMPACT
ASSESSMENT REGULATIONS, 2006 BY THE LANDOWNER AUTHORISING AN
APPLICANT, OTHER THAN THE LANDOWNER, TO UNDERTAKE IDENTIFIED
ACTIVITIES ON THAT LAND**

When to use this form

This form must be completed when application is made for environmental authorisation in terms of the Environmental Impact Assessment Regulations, 2006 where the applicant is not the owner of the land on which the proposed activity will take place.

Notes for completing and submitting this form

- (1) This form is current as of 1 July 2006. It is the responsibility of the applicant to ascertain whether subsequent versions of the form have been published or produced by the competent authority.
- (2) This form must be attached the application form for environmental authorisation.
- (3) No faxed or e-mailed forms will be accepted.
- (4) Unless protected by law, all information contained in the form will become public information.

► **Note: Land owner consent is NOT APPLICABLE for this proposed activity.**

CONTACT INFORMATION

Name of land owner			
Trading name (if any):			
Contact person:			
Physical address:			
Postal address:			
Postal code:		Cell:	
Telephone:		Fax:	
E-mail:			
<p>If there is more than one landowner, please attach a list of their contact details to this application and tick the box</p> <div style="text-align: right;"> <input type="checkbox"/> Extra page attached </div>			

CONSENT

1. I/we the undersigned (*insert the name/s of the owner/s of the land*)

of identity number/registration number (*insert the owner/s ID number/s or the registration number of the legal entity*)

am/ are the registered owner/s of the property (*insert description of the property/ies and title deed numbers*)

located at *(insert physical address or a brief description of the location of the property)* _____

2. I/ we hereby give consent to the applicant *(insert the name/s of the applicant/s)*

of identity number/registration number *(insert the owner/s ID number/s or the registration number of the legal entity)* _____

to undertake the following activity/ies on the property *(insert a brief description of the project and identified activity/ies that will be applied for):*

i.

ii.

iii.

Signature of land owner or authorised representative _____
Name of authorised person if the landowner is a legal entity _____

Date