



APPLICABILITY OF THE NEMA EIA REGULATIONS, 2014 (AS AMENDED)

Request for the Department to determine the applicability of the Environmental Impact Assessment Regulations, 2014 (as amended) in terms of Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA")

Form Number APP 07/2017

July 2017

(For official use only)	
DEA&DP Reference Number:	
EIA Reference Number:	
Date Received by Department:	
Date Received by Component:	

PROJECT TITLE

Note the following:

1. On 4 December 2014 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), 2014 (Government Notice No. R. 982, R. 983, R. 984, R. 985 in Government Gazette No. 38282 of 4 December 2014). These regulations came into effect on 8 December 2014. The EIA Regulations of 2014 as amended replace the EIA Regulations that were promulgated in 2010. Please ensure that the regulations and any amendments thereto are considered.
2. This checklist must be used to request the competent authority to determine the applicability of the EIA Regulations of 2014 (as amended) with respect to proposed development.
3. This checklist is current as of **July 2017**. It is the responsibility of the Proponent / Environmental Assessment Practitioner ("EAP") to ascertain whether subsequent versions of this checklist have been released 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 caution. 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 competent authority 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. The competent authority will respond in writing and provide guidance on the process to be followed.
10. The contents of relevant Departmental Circulars must be taken into account when completing this checklist.
11. This **checklist is a guide** to the information that must be submitted. Any additional information, pictorial evidence or explanations prompted by the checklist must be submitted along with this checklist in order to ensure that the competent authority does not need to request additional information from you.
12. If this checklist relates to a Waste Management Licence, this checklist must be submitted for the attention of the Director: Waste Management (tel: 021 483 2756 and fax: 021 483 4425) at the same postal address as the Cape Town Office.

DEPARTMENTAL DETAILS

CAPE TOWN OFFICE: REGION 1 (City of Cape Town & West Coast District)	CAPE TOWN OFFICE: REGION 2 (Cape Winelands District & Overberg District)	GEORGE OFFICE: REGION 3 (Central Karoo District & Eden District)
<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: Development Management (Region 1) Private Bag X 9086 Cape Town, 8000</p> <p>Registry Office 1st Floor Utilitas Building 1 Dorp Street, Cape Town</p> <p>Queries should be directed to the Directorate: Development Management (Region 1) at: 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: Development Management (Region 2) Private Bag X 9086 Cape Town, 8000</p> <p>Registry Office 1st Floor Utilitas Building 1 Dorp Street, Cape Town</p> <p>Queries should be directed to the Directorate: Development Management (Region 2) at: Tel: (021) 483-5842 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: Development Management (Region 3) Private Bag X 6509 George, 6530</p> <p>Registry Office 4th Floor, York Park Building 93 York Street George</p> <p>Queries should be directed to the Directorate: Development Management (Region 3) at: Tel: (044) 805-8600 Fax (044) 805 8650</p>

View the Department's website at <https://www.westerncape.gov.za/eadp/your-resource-library> for the latest version of this document.

IMPORTANT INFORMATION TO READ BEFORE COMPLETING THIS CHECKLIST

With regards to the applicability of the EIA Regulations, 2014 (as amended), note that:

- 1) The competent authority response is based on the information submitted by you;
- 2) It is an offence in terms of the EIA Regulations, 2014 (as amended) 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) Climate change considerations must always be taken into account with respect to any development proposal, particularly along the coast;
- 6) Any proposed development must always be designed in a water wise and conscious manner;
- 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; and
- 8) The fact that your proposed development may not be listed in terms of the EIA Regulations, 2014 (as amended) 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).

1. BACKGROUND INFORMATION

Highlight the relevant Departmental Region for the proposed development	CAPE TOWN OFFICE: REGION 1 (City of Cape Town & West Coast District)	CAPE TOWN OFFICE: REGION 2 (Cape Winelands District & Overberg District)	GEORGE OFFICE: REGION 3 (Central Karoo District & Eden District)
Duplicate this section where there is more than one proponent Name of proponent: RSA Identity/ Passport Number: Name of contact person for proponent (if other): RSA Identity/ Passport Number: Company/ Trading name (if any): Company Registration Number: Postal address: Telephone: () E-mail:			
Environmental Assessment Practitioner (EAP): EAP name: Postal address: Telephone: () E-mail: EAP Qualifications: EAP Registrations/Associations:			
Name of landowner: Name of contact person for landowner (if other): Postal address: Telephone: ()			
Name of Person in control of the land: Name of contact person for person in control of the land: Postal address: Telephone: () E-mail:			

Note: In instances where there is more than one landowner or person in control of the land, a list of landowners/persons in control of the land, with their contact details, must be attached to the back of this form.

Municipality in whose area of jurisdiction the proposed activity will fall:	
Magisterial district:	

Property location of all proposed sites:	
Farm/Erf name(s) & number(s) (including portion) of all proposed sites:	
Property size(s) (m ²) of all proposed sites:	
Development footprint size(s) in m ² :	
SG 21 Digit code(s) of all proposed sites:	

Coordinates of all proposed sites: Latitude (S)	°	'	''
Longitude (E)	°	'	''

Note: Coordinates must be provided in degrees, minutes and seconds using the Hartebeesthoek94 WGS84 co-ordinate system. Where numerous properties/sites are involved (e.g. linear activities), you may attach a list of property descriptions and street addresses to this form.

Street address of all proposed sites:			
Magisterial District or Town:			
Closest City/Town:		Distance	(km)
Current zoning of all proposed sites and the date the current zoning was obtained:			

Note: In instances where more than one zoning is applicable, attach a list or map of the properties, that indicates their respective zoning, to this form.

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 this checklist as an Appendix. The scale of the locality map must be at least 1:50 000. For linear activities of more than 25 kilometres, a smaller scale e.g. 1:250 000 can be used. The scale must be indicated on the map. The map must include the following:</p> <ul style="list-style-type: none"> • an accurate indication of the project site position as well as the positions of the alternative sites, if any; • road names or numbers of all the major roads as well as the roads that provide access to the site(s) • a north arrow; • a legend; • the prevailing wind direction; and • GPS co-ordinates of the boundary of the property or properties (as well as the GPS co-ordinates of the development footprint), or the route corridor for linear activities. The co-ordinates must be in degrees, minutes and seconds. 	

2. DETAILS OF CURRENT ACTIVITIES

2.1 Do you have any existing approvals for existing development? If yes, provide complete details of all approvals and attach a copy/ies herewith.	YES	NO
2.2 Have any activities physically commenced on the site/s?	YES	NO
2.3 List the date of commencement of these activities (dd/mm/yy).		
2.4 Describe the commencement of these activities clearly.		
2.5 Clearly describe the current state of the site/s/route (This must be supported by recent photographs).		
2.6 Describe the existing vegetation/ground cover.		
2.7 Describe the ground slope, drainage and any on-site watercourses/wetlands.		
2.8 Describe the proximity to the high-water mark of the sea or any watercourses.		

2.9 Have any <i>ad hoc</i> setback lines in terms of the NEMA EIA Regulations, 2014 (as amended) been adopted by the competent authority for the subject site/s/route? (If yes, copies MUST be attached to the checklist).
Explain:
2.10 Have any Directives under Section 30A of the NEMA (as amended) been issued by the competent authority for the subject site/s/route? (If yes, copies MUST be attached to the checklist).
Explain:

3. PROJECT DESCRIPTION FOR THE PROPOSED DEVELOPMENT

3.1 Is the proposed development:		
3.1.1 a linear activity?	YES	NO
3.1.2 an activity directly related to prospecting or exploration of a mineral and petroleum resource or extraction and primary processing of a mineral resource?	YES	NO
3.1.3 a strategic integrated project (SIP) as contemplated in the Infrastructure Development Act, 2014 (Act No. 23 of 2014)?	YES	NO

3.2 Provide a detailed description of the proposed development, its associated infrastructure, and the availability of bulk services. A clear, accurate and comprehensive description will prevent any requests for additional information by the competent authority. Include information on all capacities, areas, volumes, heights, lengths, etc.
3.2.1 Does the proposed development entail the expansion or changes to an existing facility or the construction of a new facility? Explain.
3.2.2 Does the proposed development entail the expansion of an existing development footprint or the "like for like replacement" of anything existing? Explain.
3.2.3 What is the total area (m ²) of land to be physically cleared for the proposed development (including associated infrastructure)? Provide clear details of the required footprint.
3.2.4 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 development or operational activities.
3.2.5. Does the site/s/route form part of a Critical Biodiversity Area or contain any indigenous vegetation? Explain

3.3 Waste, effluent and emission management

3.3.1 Solid waste management

(i) Will the activity produce any solid waste (including rubble/sewage) during the construction or operational phases?	YES	NO	UNCERTAIN
(ii) If YES or UNCERTAIN, explain.			
(iii) If YES, will it feed into a municipal waste stream?	YES	NO	UNCERTAIN
(iv) If NO to (iii) above, describe how each will be treated / disposed of.			

3.3.2 Effluent

(i) Will the activity produce any effluent?	YES	NO	UNCERTAIN
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(ii) If YES or UNCERTAIN, explain.			
(iii) If YES, will the effluent be treated and/or disposed of into a municipal system?	YES	NO	UNCERTAIN
(iv) If NO to (iii) above, describe how it will be treated and/or disposed of:			

3.3.3 Emissions into the atmosphere

(i) Will the activity produce emissions that will be vented into the atmosphere?	YES	NO	UNCERTAIN
(ii) If YES or UNCERTAIN, explain. Describe the emissions in terms of type and concentration and how it will be treated/mitigated prior to venting:			

3.4 Water Use

Please indicate the source(s) of water for the proposed development by highlighting the appropriate box (es)

Municipal	Water board	Groundwater	River, Stream, Dam or Lake	Other	The activity will not use water
3.4.1 Please explain your selection above.					
3.4.2 The volume of water required per month is:					m ³
Please provide proof of assurance of water supply (eg. Letter of confirmation from the municipality / water board/ yield of borehole).					

3.5 Power Supply

3.5.1 Please indicate the source of power supply eg. Municipality / Eskom / Renewable energy source/ Self
3.5.2 Explain clearly how power will be generated/transmitted/distributed?

3.6 Land use description

3.6.1 Describe the current land use of the proposed site(s) for the proposed development.
3.6.2 Describe all the surrounding land uses .

3.7 Public Participation Processes

Has any form of public participation already been conducted with respect to the proposed development?	YES	NO
Explain and attach proof (including any comments received and responses thereto) if yes.		

4. LIST THE POTENTIAL LISTED ACTIVITIES THAT YOU REGARD MAY BE APPLICABLE TO THE PROPOSED DEVELOPMENT

All activities listed in LN1, 2, and 3 that are associated with the proposed development must be provided below.

Activity No(s):	Provide the relevant Basic Assessment Listed Activity(ies) as set out in the EIA Regulations Listing Notice 1 of 2014 (GN No. R. 983 as amended)
Activity No(s):	Provide the relevant Basic Assessment Listed Activity(ies) as set out in the EIA Regulations Listing Notice 3 of 2014 (GN No. R. 985 as amended)
Activity No(s):	Provide the relevant Scoping and EIR Listed Activity(ies) as set out in the EIA Regulations Listing Notice 2 of 2014 (GN No. R. 984 as amended)

5. OTHER APPLICATIONS

5.1 Intended Applications in terms of the National Environmental Management Act (“NEMA”) & Specific Environmental Management Acts (“SEMA’s”)

5.1.1 Does the proposed development require an application for a waste management license in terms of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008)?	YES	NO
If yes, explain:		
5.1.2 Does the proposed development require an application for a water use license in terms of the National Water Act, 1998 (Act No. 36 of 1998)?	YES	NO
If yes, explain:		
5.1.3 Does the proposed development require an application for an Atmospheric Emissions License in terms of the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004)?	YES	NO
If yes, explain:		
5.1.4 Does the proposed development require a Heritage permit:	YES	NO
Explain:		
5.1.5 Does the proposed development require an application in terms of the National Environmental Management: Integrated Coastal Management Act (NEM: ICMA)?	YES	NO
If yes, explain:		
5.1.5.1 Will the proposed development lie within coastal public property, the coastal protection zone, or coastal access land as defined in terms of the NEM: ICMA, 2008?	YES	NO
Explain:		
5.1.5.2 If yes, has an application been submitted to the relevant competent authority?	YES	NO
If yes, provide more details of the application submitted in terms of the NEM: ICMA:		

5.2 Intended Applications in terms of other legislation

Is any permission, licence or other approval required in terms of any other legislation?	YES	NO
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If yes, please complete the table below:

Type of approval required (List the applicable legislation & approval required):	Name of the authority responsible for administering the applicable legislation	Application submitted (Yes / No)	Status of application (e.g. pending/ granted/ refused)

6. PLANNING CONTEXT

6.1 Is the proposed development permitted in terms of the property's existing land use rights?	YES	NO
Please explain:		
6.2 Will the proposed development be aligned with the following:		
The Provincial Spatial Development Framework (PSDF)?	YES	NO
Please explain:		
Does the proposal fall within an urban edge (as defined or adopted by the competent authority, the DEA&DP) including the Interim Urban Edge (as defined by this Department on 5 March 2012) or the edge of the built environment for the area?	YES	NO
Please explain:		
The Integrated Development Plan of the Local Municipality?	YES	NO
Please explain:		
The Spatial Development Framework of the Local Municipality?	YES	NO
Please explain:		
An Environmental Management Framework (EMF)?	YES	NO
Please explain:		
Any other Plans	YES	NO
Please explain:		
6.3 Are any amendments of any of the above-mentioned required?	YES	NO
Please explain:		

7. DECLARATIONS

7.1 THE PROPONENT

Note: Duplicate this section where there is more than one proponent.

I ID number.....,
in my **personal capacity** or **duly authorised thereto by** (please circle the applicable option)
..... (name of legal entity) hereby
declare/affirm that all the information submitted or to be submitted as part of this checklist is true
and correct, and that I:

- am fully aware of my responsibilities in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA"), the Environmental Impact Assessment Regulations, 2014 ("EIA Regulations") (as amended) and any relevant Specific Environmental Management Act and that failure to comply with these requirements may constitute an offence in terms of relevant environmental legislation;
- will provide the environmental assessment practitioner and any specialist appointed, where applicable, and the competent authority, with access to all information at my disposal that is relevant to this checklist;
- will be responsible for the costs incurred in complying with the NEMA EIA Regulations, 2014 (as amended) and any other legislation including but not limited to –
 - costs in respect of any fee prescribed by the Minister or MEC in respect of relevant regulations;
- hereby indemnify, the government of the Republic, the competent authority and all its officers, agents and employees, from any liability arising out of the content of any report, any procedure or any action related to this checklist, for which I or my environmental assessment practitioner is responsible in terms of the NEMA EIA Regulations, 2014 (as amended) and any Specific Environmental Management Act; and
- will not hold the competent authority responsible for any costs that may be incurred by myself in proceeding with a listed activity prior to obtaining the relevant approvals.

Signature of the applicant:

Name of company:

Date:

7.2 THE ENVIRONMENTAL ASSESSMENT PRACTITIONER (EAP) (WHERE APPLICABLE)

I _____, EAP registration number: _____
as the appointed environmental assessment practitioner ("EAP") hereby declare/affirm, the correctness of the information provided or to be provided as part of this checklist, and, that I:

- 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 Regulations, 2014 ("EIA Regulations") in terms of NEMA (Government Notice No. R. 982 of 4 December 2014 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, 2014 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, 2014 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 48(1)(a) GN No. R. 982.

Signature of the environmental assessment practitioner:

Name of company:

Date: