

EIA Legal Framework

National Environmental Management Act 107 of 2010 (NEMA) is the primary South African legislation governing the requirements for environmental assessments.

The Environmental Impact Assessment (EIA) Regulations published on 18 June 2010 under NEMA as Government Notices No. R543 to 546 prescribes the process to be followed. GIBB the appointed environmental assessment practitioner (EAP) managing the application has determined that a Basic Assessment is required.

Listed activities under Government Notices R544 and R546 are triggered.

Basic Assessment Process

Basic Assessments are legally required for certain listed activities where the impact is typically relatively moderate. Such activities are listed in:

- **GNR544 - 'Listing Notice 1'**
- **GNR546 - 'Listing Notice 3'**, which identifies activities that require environmental authorisation within specified geographical areas.

Public Participation Process &

Environmental Management Programme

PPP and EMP are prescribed for Basic Assessments.

Purpose of the Basic Assessment

The purpose of a BA is to identify and assess the potential environmental impacts and develop a set of appropriate mitigation measures for any impacts rated as significant. The mitigation measures can then be incorporated as a set of environmental specifications in a project specific Environmental Management Programme (EMP) or an organisational Environmental Management System (EMS).

A Public Participation Process (PPP) will be run as part of the BA, the PPP will include identification and notification of potential interested and affected parties (I&APs), public review of draft and final documents and public meetings.

Listed Activities Triggered by the Proposed Third Tippler

Several Listed Activities are triggered include *inter alia*:

Listing Notice	Activity Number	Pertaining to
GN 544	23	The transformation of more than 5 hectares of vacant undeveloped land
	28	Expansion of facilities that requires the amendment of an existing permit or license. The existing Air Emissions License will require amendment to include the new tippler
GN 546	4	The construction of a road wider than 4 m outside an urban area
	12	The clearance of an area of an area of 300 m ² or more of vegetation where 75% or more is indigenous, where such clearing will occur in a critical biodiversity area (CBA)
	13	The clearance of 300 m ² or more vegetation where 75% or more is indigenous, where such clearing will occur in a CBA

