

APPROACH TO UNDERTAKING THE IMPACT ASSESSMENT PHASE

CHAPTER 4

An Environmental Impact Assessment (EIA) process refers to that process (dictated by the EIA Regulations) which involves the identification of and assessment of direct, indirect and cumulative environmental impacts associated with a proposed project. The EIA process comprises two phases: **Scoping Phase** and **EIA Phase**. The Scoping process culminated in the submission of a Final Scoping Report to the competent authority (DEAT for this project) for review and acceptance before proceeding onto the EIA phase. The EIA process culminates in the submission of an EIA Report (including an environmental management plan (EMP)) to the competent authority for decision-making. The EIA process is illustrated below:



The EIA Phase for the proposed Gourikwa Power Station Conversion and Transmission Integration Project has been undertaken in accordance with the EIA Regulations published in Government Notice 28753 of 21 April 2006, in terms of Section 24(5) of the National Environmental Management Act (NEMA; Act No 107 of 1998).

The environmental studies for this proposed project were undertaken in two phases, in accordance with the EIA Regulations.

4.1. Phase 1: Scoping Phase

The Scoping Study, which commenced in March 2008, provided I&APs with the opportunity to receive information regarding the proposed project, participate in the process and raise issues of concern.

The Scoping Report aimed at detailing the nature and extent of the proposed project, identifying potential issues associated with the proposed project, and defining the extent of studies required within the EIA. This was achieved through an evaluation of the proposed project, involving the project proponent, specialist consultants, and a consultation process with key stakeholders that included both

relevant government authorities and interested and affected parties (I&APs). In accordance with the requirements of the EIA Regulations, feasible project-specific alternatives (including the "do nothing" option) were identified for consideration within the EIA process.

The draft Scoping Report compiled was made available at public places for I&AP review and comment. All the comments, concerns and suggestions received during the Scoping Phase and the draft report review period were included in the final Scoping Report and Plan of Study for EIA. The Scoping Report was submitted to the National Department of Environmental Affairs and Tourism (DEAT) and the Western Cape Department of Environmental Affairs and Development Planning (DEA&DP) in July 2008. The Final Scoping Report was accepted by DEAT, as the competent Authority (refer to correspondence included in **Appendix C**). In terms of this acceptance, an Environmental Impact Assessment was required to be undertaken for the proposed project.

4.2. Phase 2: Environmental Impact Assessment

Through the Scoping Study, a number of issues requiring further study for all components of the project (i.e. the power station, water pipeline, gas pipeline, access road and power line) were highlighted. These issues have been assessed in detail within the EIA phase of the process.

The EIA Phase aimed to achieve the following:

- » Provide an overall assessment of the social and biophysical environments affected by the proposed alternatives put forward as part of the project.
- » Assess potentially significant impacts (direct, indirect and cumulative, where required) associated with the proposed project.
- » Comparatively assess identified alternatives put forward as part of the project.
- » Nominate a preferred power line alternative corridor for consideration by DEAT.
- » Identify and recommend appropriate mitigation measures for potentially significant environmental impacts.
- » Undertake a fully inclusive public involvement process to ensure that I&AP are afforded the opportunity to participate, and that their issues and concerns are recorded.

The EIA addresses potential environmental impacts and benefits (direct, indirect and cumulative impacts) associated with all phases of the project including design, construction, operation and decommissioning, and aims to provide the environmental authorities with sufficient information to make an informed decision regarding the proposed project.

The EIA process followed for this project is described below.

4.3. Overview of the EIA Phase

The EIA Phase has been undertaken in accordance with the EIA Regulations published in Government Notice 28753 of 21 April 2006, in terms of NEMA. The potential impacts associated with the installation of 400 MW of additional electricity generation capacity at Gourikwa Power Station, as well as the transmission of this additional power to the national electricity network have been assessed. Key tasks undertaken within the EIA phase included:

- » Consultation with relevant decision-making and regulating authorities (at National, Provincial and Local level).
- » Undertaking a public involvement process throughout the EIA process in accordance with Regulation 56 of Government Notice No R385 of 2006 in order to identify any additional issues and concerns associated with the proposed project.
- » Preparation of a Comments and Response Report detailing key issues raised by I&APs as part of the EIA Process (in accordance with Regulation 59 of Government Notice No R385 of 2006).
- » Undertaking of independent specialist studies in accordance with Regulation 33 of Government Notice No R385 of 2006.
- » Preparation of a Draft EIA Report in accordance with the requirements of the Regulation 32 Government Notice No R385 of 2006.
- » Preparation of a Draft Environmental Management Plan (EMP) in accordance with the requirements of the Regulation 34 Government Notice No R385 of 2006.

These tasks are discussed in detail below. As part of a quality system, control sheets detailing the requirements for the key tasks as listed above have been completed by the EIA team, and are included in [Appendix D](#).

4.3.1. Authority Consultation

The National DEAT is the competent authority for this application. Consultation with the regulating authorities (i.e. DEAT and DEA&DP) has continued throughout the EIA process. On-going consultation included the following:

- » Submission of a Final Scoping Report (July 2008) following a 30-day public review period (and consideration of stakeholder comments received).
- » A site inspection during the authority review period of the Scoping Report (8 August 2008).

- » Ad hoc discussions with DEAT and DEA&DP in order to clarify the findings of the Scoping Report and the issues identified for consideration in the EIA process
- » Receipt of Acceptance of Scoping Report from DEAT (September 2008 and November 2008).

The following will also be undertaken as part of this EIA process:

- » Submission of a Final Environmental Impact Assessment (EIA) Report following the 30-day public review period
- » A consultation meeting with DEAT and DEA&DP in order to discuss the findings and conclusions of the EIA Report.

Consultation with Organs of State that may have jurisdiction over the project has been undertaken as part of the project process. This consultation has included:

- » Department of Water Affairs and Forestry
- » Department of Agriculture
- » Heritage Western Cape
- » DEA&DP: Air Quality Directorate

A record of all authority consultation undertaken prior to the commencement of the EIA Phase is included within the Scoping Report. A record of the consultation in the EIA process is included within **Appendix C**.

4.3.2. Comparative Assessment of Alternatives

The following project alternatives were investigated in the EIA:

- » The proposed turbine conversion on the site of the existing Gourikwa Power Station.
- » Water Treatment Plant for treatment of potable water and production of demineralised water for steam generation from the nearby PetroSA plant.
- » Dry-cooling technology (air-cooled condenser fans).
- » The use of diesel and natural gas as alternative fuel sources.
- » Transmission power line Alternatives 2 and 3 (refer to Figure 1.1).

The assessment of these alternatives included the consideration of direct, indirect and cumulative impacts and the possibility of implementing mitigation measures for potentially significant impacts. These alternatives have been assessed within Chapters 6 and 7 and within the specialist studies contained within **Appendices J-P**.

Comment: This comes from the Scoping Report. From an environmental/EIA perspective we have not considered this at all. Has Eskom got something documented on this? Or should we removed reference to this? Confirm please. Thanks.

Comment: AQ and RA will consider both. We have the risk assessment for the diesel option and will get another report for the gas option. We can include both. Eskom must advise if we must do so.

The “do-nothing” alternative for both the power station conversion and transmission line integration was evaluated within the Scoping Report (Savannah Environmental, July 2008). This alternative was rejected as a feasible alternative and therefore did not require further investigation in the EIA Phase. This conclusion has been accepted by DEAT through their acceptance of the Scoping Report (refer to Appendix C).

4.3.3. Public Involvement and Consultation

The aim of the public participation process was primarily to ensure that:

- » Information containing all relevant facts in respect of the proposed project was made available to potential stakeholders and I&APs.
- » Participation by potential I&APs was facilitated in such a manner that all potential stakeholders and I&APs were provided with a reasonable opportunity to comment on the proposed project.
- » Comment received from stakeholders and I&APs was recorded and incorporated into the EIA process.

Through on-going consultation with key stakeholders and I&APs, issues raised through the Scoping Phase for inclusion within the EIA study were confirmed. All relevant stakeholder and I&AP information has been recorded within a database of affected parties (refer to **Appendix N** for a listing of recorded parties). While I&APs were encouraged to register their interest in the project from the onset of the process, the identification and registration of I&APs has been ongoing for the duration of the EIA process and the project database has been updated on an on-going basis. **???** parties have registered their interest in the project to date.

Comment: Await most recent database to fill in number

In order to accommodate the varying needs of stakeholders and I&APs, as well as ensure the relevant interactions between stakeholders and the EIA specialist team, the following opportunities were provided for I&APs issues to be recorded and verified through the EIA process, including:

- » Focus group meetings (pre-arranged and stakeholders invited to attend).
- » One-on-one consultation meetings and telephonic consultation sessions (consultation with various parties, for example with directly affected landowners, by the project participation consultant as well as specialist consultants).
- » Written, faxed or e-mail correspondence.

Table 4.1 provides details of the formal focus group meetings during the EIA process of the public consultation process.

Table 4.1: Details of the focus group meetings during the scoping and EIA phases of the public consultation process

Organisation	Date
Mosselbay Environmental Partnership	7 May 2008
SANCO	7 May 2008
PetroSA	7 May 2008
Mossel Bay Municipality (Municipal Manager and Electro Technical Services)	7 May 2008
Landowners and farmers surrounding the Gourikwa Power Station	7 May 2008
Residence Association of Dana Bay Conservancy	7 May 2008
South African National Ports Authority in Mossel Bay	8 May 2008
ADD NEW MEETINGS IN HERE... get info from Shawn	

4.3.4. Identification and Recording of Issues and Comments

Issues and comments raised by I&APs over the duration of the EIA process have been synthesised into Comments and Response Reports (refer to **Appendix N** for the Comments and Response Reports compiled from both the Scoping and EIA Phases).

The Comments and Response Report include responses from members of the EIA project team and/or the project proponent. Where issues are raised that the EIA team considers beyond the scope and purpose of this EIA process, clear reasoning for this view is provided.

4.3.5. Assessment of Issues Identified through the Scoping Process

Based on the findings of the Scoping Study, several issues requiring further investigation in the EIA phase of the process were highlighted. Those issues which require further investigation within the EIA phase, as well as the specialists involved in the assessment of these impacts are indicated in Table 4.2.

Table 4.2: Specialist studies undertaken within the EIA phase

Specialist	Area of Expertise	Refer Appendix
Demos Dracoulides of DDA	Air pollution and noise impact assessment for the power station conversion	Appendix J
Lourens du Plessis of MetroGIS	Visual impact assessment and GIS mapping for the power station conversion and transmission power line	Appendix K
Liezl Coetzee of Southern Hemisphere	Social impact assessment for the power station conversion	Appendix L

Specialist	Area of Expertise	Refer Appendix
	and transmission power line	
Nick Helme of Nick Helme Botanical Surveys	Vegetation impact assessment for the power station conversion and transmission power line	Appendix M
Jon Smallie of the Endangered Wildlife Trust (EWT)	Avifauna impact assessment for the proposed transmission power line	Appendix N
Tim Hart of the Archaeology Contracts Office, Department of Archaeology: University of Cape Town	Heritage impact assessment for the power station conversion and transmission power line	Appendix O
Mike Oberholzer of Riscom	Risk Assessment for the proposed Gourikwa CCGT conversion project	Appendix P

Specialist studies considered direct and indirect environmental impacts associated with the development of all components of the project. Issues were assessed in terms of the following criteria:

- » The **nature**, a description of what causes the effect, what will be affected and how it will be affected.
- » The **extent**, wherein it is indicated whether the impact will be local (limited to the immediate area or site of development), regional, national or international. A score of between 1 and 5 is assigned as appropriate (with a score of 1 being low and a score of 5 being high).
- » The **duration**, wherein it is indicated whether:
 - * the lifetime of the impact will be of a very short duration (0–1 years) – assigned a score of 1;
 - * the lifetime of the impact will be of a short duration (2-5 years) - assigned a score of 2;
 - * medium-term (5–15 years) – assigned a score of 3;
 - * long term (> 15 years) - assigned a score of 4; or
 - * permanent - assigned a score of 5.
- » The **magnitude**, quantified on a scale from 0-10, where a score is assigned:
 - * 0 is small and will have no effect on the environment;
 - * 2 is minor and will not result in an impact on processes;
 - * 4 is low and will cause a slight impact on processes;
 - * 6 is moderate and will result in processes continuing but in a modified way;
 - * 8 is high (processes are altered to the extent that they temporarily cease); and
 - * 10 is very high and results in complete destruction of patterns and permanent cessation of processes.

- » The probability of occurrence, which describes the likelihood of the impact actually occurring. Probability is estimated on a scale, and a score assigned:
 - * Assigned a score of 1–5, where 1 is very improbable (probably will not happen);
 - * Assigned a score of 2 is improbable (some possibility, but low likelihood);
 - * Assigned a score of 3 is probable (distinct possibility);
 - * Assigned a score of 4 is highly probable (most likely); and
 - * Assigned a score of 5 is definite (impact will occur regardless of any prevention measures).
- » The significance, which is determined through a synthesis of the characteristics described above (refer formula below) and can be assessed as low, medium or high.
- » The **status**, which is described as either positive, negative or neutral.
- » The degree to which the impact can be reversed.
- » The degree to which the impact may cause irreplaceable loss of resources.
- » The degree to which the impact can be mitigated.

The **significance** is determined by combining the criteria in the following formula:

$S=(E+D+M)P$; where

S = Significance weighting

E = Extent

D = Duration

M = Magnitude

P = Probability

The **significance weightings** for each potential impact are as follows:

- » **< 30 points:** Low (i.e. where this impact would not have a direct influence on the decision to develop in the area),
- » **30-60 points:** Medium (i.e. where the impact could influence the decision to develop in the area unless it is effectively mitigated),
- » **> 60 points:** High (i.e. where the impact must have an influence on the decision process to develop in the area).

As Eskom has the responsibility to avoid or minimise impacts and plan for their management (in terms of the EIA Regulations), the mitigation of significant impacts is discussed. Assessment of impacts with mitigation is made in order to demonstrate the effectiveness of the proposed mitigation measures. A draft Environmental Management Plan is included as **Appendix P**.

4.3.6. Assumptions and Limitations

The following assumptions and limitations are applicable to the studies undertaken within this Scoping Phase:

- » All information provided by Eskom and I&APs to the environmental team was correct and valid at the time it was provided.
- » The wealth of information already in hand from the EIA process undertaken by Ninham Shand for the initial OCGT projects provides a baseline from which this EIA process finds a point of departure.
- » The Transmission line corridors identified by Eskom are technically and economically viable. The final power line route will be determined after the EIA process within the nominated preferred power line corridor.
- » Strategic, forward planning deliberations are reflected in the IEP, NIRP and ISEP planning processes and do not form part of this EIA.
- » This report and its investigations are project-specific, and consequently the environmental team did not evaluate any other power source alternatives.
- » As the proposed power station conversion is to be undertaken within the Gourikwa Power Station site, no site alternatives have been investigated as part of this EIA process.

4.3.7. Public Review of Draft EIA Report and Feedback Meeting

This is the **current stage** of the EIA Phase. Hard copies of the Draft Environmental Impact Assessment Report have been made available for public review from **16 February to 16 March 2009** at the following locations:

- » www.eskom.co.za/eia
- » www.savannahSA.com
- » Marsh Street Library
- » D'Almeida Library
- » KwaNonqaba Library
- » Mossel Bay Municipal Offices
- » TNPA Offices
- » Farm Patryfontein (Mr Muller) - Farmers Association representing local and neighbouring farmers
- » Mossel Bay Environmental Partnership
- » Dana Bay Conservancy
- » SANCO
- » PetroSA

Comment: The date considers that we are still awaiting the Air Quality and noise specialist report from Demos.

Comment: The advert has been placed and will appear on the 18th and 19th Feb.

Comment: Other parties to receive reports. To confirm with Shawn.

In order to facilitate comments on the Draft EIA Report, a public feedback meeting will be held during the review period as follows:

- » Public feedback meeting: Wednesday 25 February 2009 at Die Skuur Dias Museum, Mossel Bay from 6pm.

The public review process and details of the public meeting were advertised in regional and local newspapers: Die Burger and the Mossel Bay Advertiser on 18 and 19 February 2009 (refer **Appendix F**). In addition, all registered I&APs were notified of the availability of the report and public meeting by letter. Identified stakeholders were personally invited to attend the public meeting in writing.

Comment: Confirm with SJ when to be sent out.

4.3.8. Final EIA Report

The final stage in the EIA Phase will entail the capturing of responses from I&APs on the Draft EIA Report in order to refine this report. It is this final report upon which the decision-making environmental Authorities make a decision regarding the proposed project.

4.4. Regulatory and Legal Context

The South African energy industry is evolving rapidly, with regular changes to legislation and industry role-players. The regulatory hierarchy for an energy generation project of this nature consists of three tiers of authority who exercise control through both statutory and non-statutory instruments – that is National, Provincial and Local levels.

4.4.1. Regulatory Hierarchy

At National Level, the main regulatory agencies are:

- » *Department of Minerals and Energy (DME)*: This department is responsible for policy relating to all energy forms, including renewable energy. It is the controlling authority in terms of the Electricity Act (Act No 41 of 1987).
- » *National Energy Regulator (NER)*: This body is responsible for regulating all aspects of the electricity sector, and will ultimately issue generating licenses for power station developments to generate electricity.
- » *Department of Environmental Affairs and Tourism (DEAT)*: This Department is responsible for environmental policy and is the controlling authority in terms of NEMA and the EIA Regulations. DEAT is the competent authority for this project, and charged with granting the relevant environmental authorisation.
- » *Department of Transport and Public Works*: This department is responsible for roads and the granting of exemption permits for the conveyance of abnormal loads (as may be associated with the construction phase) on public roads.

At Provincial Level, the main regulatory agency is:

- » *Provincial Government of the Western Cape (PGWC) – Department of Environmental Affairs and Development Planning (DEA&DP)*. This is the principal authority involved in the EIA process and determines many aspects of Provincial Environmental policy. The department is a commenting authority for this project.

At Local Level the local and municipal authorities are the principal regulatory authorities responsible for planning, land use and the environment. The proposed project falls within the jurisdiction of the Mossel Bay Municipality.

- » In terms of the Municipal Systems Act (Act No 32 of 2000) it is compulsory for all municipalities to go through an Integrated Development Planning (IDP) process to prepare a five-year strategic development plan for the area under their control. The IDP process, specifically the spatial component (Spatial Development Framework), in the Western Cape Province is based on a bioregional planning approach to achieve continuity in the landscape and to maintain important natural areas and ecological processes
- » By-laws and policies have been formulated by local authorities to protect environmental resources relating to issues such as air quality, community safety, etc.

4.4.2. Legislation and Guidelines that have informed the preparation of this EIA Report

The following legislation and guidelines have informed the scope and content of this Draft EIA Report:

- » National Environmental Management Act (Act No 107 of 1998)
- » EIA Regulations, published under Chapter 5 of the NEMA (GN R385, GN R386 and GN R387 in Government Gazette 28753 of 21 April 2006)
- » Guidelines published in terms of the NEMA EIA Regulations, in particular:
 - * **Guideline 3:** General Guide to Environmental Impact Assessment Regulations, 2006 (DEAT, June 2006)
 - * **Guideline 4:** Public Participation in support of the Environmental Impact Assessment Regulations, 2006 (DEAT, May 2006)
 - * **Guideline 5:** Assessment of alternatives and impacts in support of the Environmental Impact Assessment Regulations, 2006 (DEAT, June 2006)
 - * Guideline on Public Participation, 2006 (DEA&DP, July 2006)
 - * Guideline on Alternatives, 2006 (DEA&DP, July 2006)
- » Specialist study guidelines published by DEA&DP (June 2005)

Acts, standards or guidelines relevant to the establishment of the OCGT Power Station at Mossel Bay were identified in the previous EIA processes undertaken for the Ankerlig Power Station. Those Acts, standards or guidelines which have informed the project process and the scope of issues evaluated in this Scoping Study are summarised in Table 4.3.

Table 4.3: List of applicable legislation and compliance requirements required for the Gourikwa Power integration project, Western Cape Province

Legislation	Applicable Requirements	Relevant Authority
<i>National Legislation</i>		
National Environmental Management Act (Act No 107 of 1998)	<p>EIA Regulations have been promulgated in terms of Chapter 5. Activities which may not commence without an environmental authorisation are identified within these Regulations.</p> <p>In terms of Section 24(1) of NEMA, the potential impact on the environment associated with these listed activities must be considered, investigated, assessed and reported on to the competent authority (the decision-maker) charged by NEMA with granting of the relevant environmental authorisation.</p> <p>In terms of GNR 387 of 21 April 2006, a scoping and EIA process is required to be undertaken for the proposed power station conversion and transmission integration project</p>	National Department of Environmental Affairs and Tourism – lead authority. Western Cape Department of Environmental Affairs and Development Planning – commenting authority.
National Environmental Management Act (Act No 107 of 1998)	<p>In terms of the Duty of Care provision in S28(1) Eskom as the project proponent must ensure that reasonable measures are taken throughout the life cycle of this project to ensure that any pollution or degradation of the environment associated with this project is avoided, stopped or minimised.</p> <p>In terms of NEMA, it has become the legal duty of a project proponent to consider a project holistically, and to consider the cumulative effect of a variety of impacts.</p>	Department of Environmental Affairs and Tourism (as regulator of NEMA).

Legislation	Applicable Requirements	Relevant Authority
Environment Conservation Act (Act No 73 of 1989)	Section 20(1) provides that where an operation accumulates, treats, stores or disposes of waste on site for a continuous period, it must apply for a permit to be classified as a suitable waste disposal facility.	National Department of Environmental Affairs and Tourism and Department of Water Affairs and Forestry.
Environment Conservation Act (Act No 73 of 1989)	National Noise Control Regulations (GN R154 dated 10 January 1992). Provincial noise control regulations have been promulgated for the Western Cape in Provincial Notice (PN 627/P5309/2299) dated 20 November 1998. In terms of these Regulations, industrial noise limits are 61 dBA and noise limits from any source other than an industrial source are 65 dBA. Draft regulations relating to noise control published in Provincial Gazette No 6412, PN 14 dated the 25th of January 2007. Noise limits are based on the acceptable rating levels of ambient noise contained in SANS 10103.	National Department of Environmental Affairs and Tourism Western Cape Department of Environmental Affairs and Development Planning Local authorities, i.e. Mossel Bay Municipality
National Water Act (Act No 36 of 1998)	Section 21 sets out the water uses for which a water use license is required.	Department of Water Affairs and Forestry
National Water Act (Act No 36 of 1998)	In terms of Section 19, Eskom as the project proponent must ensure that reasonable measures are taken throughout the life cycle of	Department of Water Affairs and Forestry (as regulator of NWA)

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Legislation	Applicable Requirements	Relevant Authority
	this project to prevent and remedy the effects of pollution to water resources from occurring, continuing or recurring.	
Atmospheric Pollution Prevention Act (Act No 45 of 1965)	Scheduled Processes: A specifications standard applies to the production of noxious or offensive gases. This means that pollution control equipment used in operating the process must conform to certain design criteria. Currently sixty nine (69) scheduled processes are listed in the Second Schedule to the Act. No person may carry on a Scheduled Process in or on any premises unless he is the holder of a current registration certificate. The granting of a permit is subject to compliance with certain minimum standard specifications. To be replaced by the National Environmental Management: Air Quality Act (Act No 39 of 2004) on promulgation of Section 22 of this Act.	National Department of Environmental Affairs and Tourism - Chief Air Pollution Control Officer (CAPCO) Western Cape Department of Environmental Affairs and Development Planning - Chief Air Pollution Control Officer (CAPCO)
National Heritage Resources Act (Act No 25 of 1999)	Section 38 states that Heritage Impact Assessments (HIAs) are required for certain kinds of development including » the construction of a road, power line, pipeline, canal or other similar linear development or barrier exceeding 300 m in length; » any development or other activity which will change the character of a site exceeding 5 000 m ² in extent. The relevant Heritage Resources Authority must be notified of developments such as linear	South African Heritage Resources Agency (SAHRA) - National Heritage Sites (grade 1 sites) as well as all historic graves and human remains Heritage Western Cape - all Provincial Heritage Sites (grade 2 sites), generally protected heritage and structures (grade 3a - 3c sites) and prehistoric human remains

Comment: Please confirm whether a permit has been obtained

Legislation	Applicable Requirements	Relevant Authority
	<p>developments (such as roads and power lines), bridges exceeding 50 m, or any development or other activity which will change the character of a site exceeding 5 000 m²; or the re-zoning of a site exceeding 10 000 m² in extent. This notification must be provided in the early stages of initiating that development, and details regarding the location, nature and extent of the proposed development must be provided.</p> <p>Stand alone HIAs are not required where an EIA is carried out as long as the EIA contains an adequate HIA component that fulfils the provisions of Section 38. In such cases only those components not addressed by the EIA should be covered by the heritage component.</p>	
<p>National Environmental Management: Biodiversity Act (Act No 10 of 2004)</p>	<p>In terms of Section 57, the Minister of Environmental Affairs and Tourism has published a list of critically endangered, endangered, vulnerable and protected species in GNR 151 in Government Gazette 29657 of 23 February 2007 and the regulations associated therewith in GNR 152 in GG29657 of 23 February 2007, which came into effect on 1 June 2007.</p> <p>In terms of GNR 152 of 23 February 2007: Regulations relating to listed threatened and protected species, the relevant specialists must be employed during the EIA phase of the project to incorporate the legal provisions as well as the regulations associated with listed</p>	<p>National Department of Environmental Affairs and Tourism</p>

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Legislation	Applicable Requirements	Relevant Authority
	threatened and protected species (GNR 152) into specialist reports in order to identify permitting requirements at an early stage of the EIA phase.	
Conservation of Agricultural Resources Act (Act No 43 of 1983)	Regulation 15 of GNR1048 provides for the declaration of weeds and invader plants, and these are set out in Table 3 of GNR1048. Weeds are described as Category 1 plants, while invader plants are described as Category 2 and Category 3 plants. These regulations provide that Category 1, 2 and 3 plants must not occur on land and that such plants must be controlled by the methods set out in Regulation 15E.	Department of Agriculture
Minerals and Petroleum Resources Development Act (Act No 28 of 2002)	A mining permit or mining right may be required where a mineral in question is to be mined (e.g. materials from a borrow pit) in accordance with the provisions of the Act.	Department of Minerals and Energy
National Veld and Forest Fire Act (Act No 101 of 1998)	In terms of Section 12 Eskom would be obliged to burn firebreaks to ensure that should veldfires occur on the property, that same does	Department of Water Affairs and Forestry

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Legislation	Applicable Requirements	Relevant Authority
	<p>not spread to adjoining land.</p> <p>In terms of Section 13 Eskom must ensure that the firebreak is wide enough and long enough to have a reasonable chance of preventing a veldfire from spreading; not causing erosion; and is reasonably free of inflammable material.</p> <p>In terms of Section 17, Eskom must have such equipment, protective clothing and trained personnel for extinguishing fires as are prescribed or in the absence of prescribed requirements, reasonably required in the circumstances.</p>	
<p>Hazardous Substances Act (Act No 15 of 1973)</p>	<p>This Act regulates the control of substances that may cause injury, or ill health, or death by reason of their toxic, corrosive, irritant, strongly sensitising or inflammable nature or the generation of pressure thereby in certain instances and for the control of certain electronic products. To provide for the rating of such substances or products in relation to the degree of danger; to provide for the prohibition and control of the importation, manufacture, sale, use, operation, modification, disposal or dumping of such substances and products.</p> <p>Group I and II: Any substance or mixture of a substance that might by reason of its toxic, corrosive etc, nature or because it generates pressure through decomposition, heat or other means, cause extreme risk of injury etc., can be declared to be Group I or Group II hazardous substance;</p>	<p>Department of Health</p>

Legislation	Applicable Requirements	Relevant Authority
	<p>Group IV: any electronic product; Group V: any radioactive material.</p> <p>The use, conveyance or storage of any hazardous substance (such as distillate fuel) is prohibited without an appropriate license being in force.</p>	
<p>National Road Traffic Act (Act No 93 of 1996)</p>	<p>The Technical Recommendations for Highways (TRH 11): "Draft Guidelines for Granting of Exemption Permits for the Conveyance of Abnormal Loads and for other Events on Public Roads" outline the rules and conditions which apply to the transport of abnormal loads and vehicles on public roads and the detailed procedures to be followed in applying for exemption permits are described and discussed. Legal axle load limits and the restrictions imposed on abnormally heavy loads are discussed in relation to the damaging effect on road pavements, bridges and culverts.</p> <p>The general conditions, limitations and escort requirements for abnormally dimensioned loads and vehicles are also discussed and reference is made to speed restrictions, power/mass ratio, mass distribution and general operating conditions for abnormal loads and vehicles. Provision is also made for the granting of permits for all other exemptions from the requirements of the National Road Traffic Act and the relevant Regulations.</p>	<p>Western Cape Department of Transport and Public Works (provincial roads) South African National Roads Agency (national roads)</p>
<p>National Road Traffic Act</p>	<p>Regulation 274 (read with SABS Code 0232</p>	<p>Department of Transport</p>

Legislation	Applicable Requirements	Relevant Authority
(Act No 93 of 1996)	which deals with transportation of dangerous goods and emergency information systems) states that the regulations are applicable where dangerous goods are transported in quantities, which exceed the exempt quantities (listed in Annex E of SABS Code 0232). Dangerous goods may only be transported in accordance with the provisions in the Regulations, unless the Minister of Transport has granted an exemption.	Western Cape Department of Transport and Public Works (provincial roads) South African National Roads Agency (national roads)
Development Facilitation Act (Act No 67 of 1995)	Provides for the overall framework and administrative structures for planning throughout the Republic.	Western Cape Department of Environmental Affairs and Development Planning Local authorities, i.e. Mossel Bay Municipality
Land Use Planning Ordinance 15 of 1985	Details land subdivision and rezoning requirements and procedures	Western Cape Department of Environmental Affairs and Development Planning Local authorities, i.e. Mossel Bay Municipality

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Legislation	Applicable Requirements	Relevant Authority
Provincial Legislation		
Nature Conservation Ordinance (Act 19 of 1974)	Article 63 prohibits the picking (defined in terms of article 2 to include, cut, chop off, take, gather, pluck, uproot, break, damage or destroying of certain flora. Schedule 3 lists endangered flora and Schedule 4 lists protected flora. Articles 26 to 47 regulates the use of wild animals	Cape Nature