

(31 May 1996 - to date)

## ENVIRONMENT CONSERVATION ACT 73 OF 1989

*(Gazette No. 11927, Notice No. 1188. Commencement date: 9 June 1989)*

### REGULATIONS REGARDING IDENTIFIED ACTIVITIES CONCERNING THE OUTENIQUA SENSITIVE COASTAL AREA

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1996*

The Minister of Environmental Affairs and Tourism has, under section 26 of the Environment Conservation Act, 1989 (Act No. 73 of 1989), made the regulations in the Schedule.

#### SCHEDULE

1. Definitions
2. Permit application
3. Preparation and submission of environmental impact reports
4. Content of environmental impact reports
5. Consideration of application
6. Record of decision
7. Manner of appeal

#### 1. DEFINITIONS

In these regulations 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-

“**activity**” means any activity identified in Government Notice No. R. 879 dated 31 May 1996, in respect of the Outeniqua Sensitive Coastal Area referred to in the said Government Notice;

“**Administrator**” means the Administrator of the Western Cape Province as designated in Government Notice No. R. 880 dated 31 May 1996;

“**Integrated Environmental Management**” means the procedure as defined in the Integrated Environmental Management Guideline Series, Documents 1-6, 1992, as published by the Department;

“**local authority**” means the local authority concerned as designated in Government Notice No. R. 880 dated 31 May 1996; and

“**the Act**” means the Environment Conservation Act, 1989 (Act No. 73 of 1989).

## **2. PERMIT APPLICATION**

- (1) Any application, other than an application referred to in subregulation (2) or (3), for authorization to undertake an activity, shall be submitted to the local authority concerned.
- (2) Any application made by a local authority or a department of the Provincial Administration for authorization to undertake any activity, shall be submitted to the Administrator.
- (3) Any application made by a Department of the National Government for authorization to undertake any activity, shall be submitted to the Minister.
- (4) Any application in terms of this regulation shall be accompanied by an environmental impact report.

## **3. PREPARATION AND SUBMISSION OF ENVIRONMENTAL IMPACT REPORTS**

An environmental impact report referred to in regulation 2 (4) shall be prepared, or be caused to be prepared, by the proponent or a consultant.

## **4. CONTENT OF ENVIRONMENTAL IMPACT REPORTS**

- (1) An environmental report shall, subject to subregulations (2) and (3), contain the following information:
  - (a) Details of the proposed activity, the purpose of the activity, the extent including quantities and surface areas involved, infrastructure requirements and implementation programme;
  - (b) a plan and sections showing the location, detail and extent of the proposed activity including directions to the site;
  - (c) the proponent's name, address and telephone number;
  - (d) the name, address and telephone number of any consultant involved;
  - (e) whether the activity is part of an existing development or larger scheme; and
  - (f) the date of submission to the local authority, Administrator or Minister, as the case may be.

- (2) An environmental impact report shall, taking into account the principles of sound coastal management and land use, indicate the likelihood and severity of potential influences of the activities on the pertinent sensitive biophysical and cultural aspects of the environment.
- (3) An environmental impact report shall address the mitigation, control measures and rehabilitation to be taken during and after the proposed activity to minimise the potential influences and impacts.

## **5. CONSIDERATION OF APPLICATION**

The local authority, Administrator or Minister, as the case may be, hereinafter in these regulations referred to as the authority concerned may, after considering the environmental impact report submitted in terms of these regulations-

- (a) refuse or issue a permit with or without conditions; or
- (b) request the proponent to submit additional information or specialist reports; or
- (c) request the proponent to consult with specific organisations, authorities, persons or interested parties in general and submit results of the required consultations; or
- (d) notwithstanding the requirements stipulated in paragraph (b) and (c), request the proponent to submit an environmental impact report based on the principles of Integrated Environmental Management.

## **6. RECORD OF DECISION**

The authority concerned shall, on the request of the proponent or any other interested person, issue to such person a record of decision which shall include the following:

- (a) The reference number;
- (b) description and details of the proposed activity, the extent including quantities and surface areas involved, infrastructure requirements and implementation programme in terms of which the permit is issued;
- (c) the specific location of the activity;
- (d) the name of the proponent, address and telephone number;
- (e) the name, address and telephone number of any consultant involved;
- (f) the date of, and persons present, at a site visit, if any;

- (g) any media coverage or contact made with, and the views of interested persons or organisations;
- (h) the decision of the authority concerned;
- (i) the conditions of approval (including mitigation, control and rehabilitation measures to be taken during and after the proposed activity to minimise the potential influences and impacts), if any;
- (j) the key factors in determining the decision, including the views of other authorities approached, if any;
- (k) the date of expiry or duration of approval;
- (l) the manner of appeal (where available), as set out in regulation 7;
- (m) the signature of the duly authorised person; and
- (n) the date.

## **7. MANNER OF APPEAL**

An appeal to the Administrator or Minister in terms of section 35 (3) of the Act, shall be done in writing within 30 days from the date on which the decision with regard to the application for authorization was made known and shall be accompanied by an amount of R250.