



**ENVIRONMENTAL IMPACT ASSESSMENT
FOR
MUNICIPAL INFRASTRUCTURE PROJECTS**

***Terms of Reference
for
Environmental Assessment Practitioners***

October 2010



**ENVIRONMENTAL PLANNING
& CLIMATE PROTECTION
DEPARTMENT**

BIODIVERSITY | CLIMATE | PEOPLE

CONTENTS

PART A:	EXEMPTION PROCESS
PART B:	BASIC ASSESSMENT PROCESS
PART C:	SCOPING AND ENVIRONMENTAL IMPACT ASSESSMENT PROCESS
PART D:	AMENDMENT OF ENVIRONMENTAL AUTHORISATIONS
PART E:	PUBLIC PARTICIPATION PROCESS
PART F:	GENERAL REQUIREMENTS
PART G:	FIGURES (SAMPLES OF REQUIREMENTS)

GLOSSARY

EAP	ENVIRONMENTAL ASSESSMENT PRACTITIONER
DAEARD	DEPARTMENT OF AGRICULTURE, ENVIRONMENTAL AFFAIRS AND RURAL DEVELOPMENT
EIA	ENVIRONMENTAL IMPACT ASSESSMENT
DEA	DEPARTMENT OF ENVIRONMENTAL AFFAIRS
BID	BACKGROUND INFORMATION DOCUMENT
BAR	BASIC ASSESSMENT REPORT
EIAR	ENVIRONMENTAL IMPACT ASSESSMENT REPORT
EMP	ENVIRONMENTAL MANAGEMENT PROGRAMS
PPP	PUBLIC PARTICIPATION PRACTITIONER
E: MI	ENVIRONMENTALIST: MUNICIPAL INFRASTRUCTURE

DEFINITIONS

“EIA Regulations” refers to the Environmental Impact Assessment Regulations, 2010 of 18 June 2010 and/or any other amendments thereto, as may be promulgated by DEA from time to time.

NOTE:

1. These terms of reference have been compiled to facilitate and accomplish the following:
 - 1.1 Supplement the requirements of the Environmental Impact Assessment (EIA) regulations with respect to environmental impact assessments conducted for Municipal Infrastructure Development Projects of the eThekweni Municipality.
 - 1.2 Ensure compliance of the Environmental Assessment Practitioner and the eThekweni Municipality with the requirements of the Environmental Impact Assessment Regulations.
 - 1.3 Ensure a high quality of environmental assessment and reporting on behalf of the eThekweni Municipality.
 - 1.4 Produce effective administration of environmental impact assessments conducted for Municipal Infrastructure Development Projects of the eThekweni Municipality.
2. Where conflict or discrepancy exists between a specific procedure, requirement or definition contained in this document, with that of the EIA regulations, the latter will take precedence.
3. The Environmental Assessment Practitioner (EAP) must, as a minimum, comply with the Environmental Impact Assessment Regulations, 2010, namely government notices R543, R544, R545, R546 of 18 June 2010 and/or any other amendments thereto, as may be promulgated by Department of Environmental Affairs from time to time.
4. These terms of reference attempt to clarify the requirements of the municipality in relation to the EIA regulations to ensure adequate provision of information to facilitate speedy decision making.

PART A:
EXEMPTION PROCESS

1. If an application for Exemption from a provision of the EIA regulations is being intended, the EAP must comply, as a minimum, with Chapter 5 (regulation 50-51) of the EIA regulations (Government Notice No. R543 of 10 June 2010) and/or any other amendments thereto, as may be promulgated by Department of Environmental Affairs from time to time.
2. Notwithstanding the above, exemptions should only be sought after consultation and advice from the E:MI and DAEARD

PART B:
APPLICATIONS SUBJECT TO BASIC ASSESSMENT IN TERMS OF THE EIA REGULATIONS

1. If a Basic Assessment is required for a proposed project, the EAP must comply as a minimum with regulations 21, 22 and 23 of the EIA Regulations regulations (Government Notice No. R543 of 10 June 2010) and/or any other amendments thereto, as may be promulgated by Department of Environmental Affairs from time to time.

PART C:
**APPLICATIONS SUBJECT TO SCOPING AND ENVIRONMENTAL IMPACT ASSESSMENT IN
TERMS OF THE EIA REGULATIONS**

1. If Scoping and Environmental Impact Assessment is required for a proposed project, the EAP must comply, as a minimum, with regulations 26, 27, 28, 29, 31, 32, and 33 of the EIA regulations.

PART D:

AMENDMENT OF ENVIRONMENTAL AUTHORISATIONS IN TERMS OF THE EIA REGULATIONS

1. If an amendment to an existing environmental authorization is intended, the EAP must comply, as a minimum, with regulations 39 and 40 of the EIA Regulations (Government Notice No. R543 of 10 June 2010) and/or any other amendments thereto, as may be promulgated by Department of Environmental Affairs from time to time.

PART E:

PUBLIC AND STAKEHOLDER PARTICIPATION PROCESS IN TERMS OF THE EIA REGULATIONS

1. With respect to public participation, the EAP must, as a minimum, comply with regulations promulgated under Chapter 6 (regulations 54-57) of the EIA Regulations.
2. Public participation must be conducted by the EAP or an Independent Public Participation Practitioner (PPP) and/or specialist appointed by the EAP.
3. Public meetings, where deemed necessary, must be conducted directly by the EAP/PPP. It is not considered appropriate for ward councilors or municipal representatives/officials to conduct public meetings with communities or to convey information relating to the Environmental Impact Assessment process, although they should attend public meetings and participate in instances which demand their input.
4. All interactions during public meetings must be between the EAP/PPP and the community. The proponent/municipal officials/ward councillors should not conduct the meeting or make presentations. (although they may be requested to provide input in terms of technical details related to the project)
5. Special attention must be paid to engaging, informing and consulting with previously disadvantaged and vulnerable communities who may be directly or indirectly affected by the proposed project.
6. Written comment from the following stakeholder, authorities or agencies (where applicable*) must be obtained during the environmental processes :
 - a) Ezemvelo KwaZulu-Natal Wildlife
 - b) Department of Water Affairs Heritage KwaZulu-Natal (Amafa)
 - c) Department of Mineral Resources
 - d) Eskom

e) Transnet

* "where applicable" means – where the departmental authority/agency is affected, interested and/or has a shared or sole mandate over the regulation of the proposed activity or any elements of the proposed activity and/or its associated infrastructure.

PART F:
GENERAL REQUIREMENTS

INDEPENDENCE DURING THE EIA PROCESS

1. The EAP must comply with the "General Requirements of EAPs" as contained in regulation 17 of the EIA Regulations (Government Notice No. R543 of 10 June 2010) and/or any other amendments thereto, as may be promulgated by Department of Environmental Affairs from time to time.
2. The EAP must be independent, and have no business, financial, personal or other interest (inclusive of project design and/or implementation) in the activity or application in respect of which the EAP has been appointed, other than remuneration for work performed in connection with the activity or application.
3. The objectivity of the EAP performing work under this appointment must not be compromised under any circumstances.

BACKGROUND INFORMATION DOCUMENTS

4. Background Information Documents / Information Packets must be produced for every application in terms of the EIA regulations (Basic Assessment, EIA etc.) in order to conduct the public participation process as set out in Chapter 6 of the EIA Regulations (Government Notice No. R543 of 10 June 2010) and/or any other amendments thereto, as may be promulgated by Department of Environmental Affairs from time to time.
5. Background Information Documents / Information Packets must be produced for use in the public and stakeholder participation process, prior to the preparation of the relevant reports (Basic Assessment Report, Scoping Report etc.)
6. Background Information Documents / Information Packets must, as a minimum, contain:
 - 6.1 Description of the project proposal and alternatives
 - 6.2 Details of the proponent and EAP

- 6.3 The application or regulatory process involved
- 6.4 An initial list of impacts (positive and negative)
- 6.5 Maps and/or drawings, and
- 6.6 Any other material or references to enable the public to understand what is being proposed.
- 6.7 Due date for comments from stakeholders/interested and affected parties.

MAPS

7. Maps must be provided with every application/report and must meet the following minimum requirements:
 - 7.1 An orthophoto or aerial photo at an appropriate scale, preferably 1:5000.
 - 7.2 Indicating the footprint of the development and associated infrastructure (such as access roads, etc.) in relation to the existing (including adjacent) environment.
 - 7.3 Indicating proposed alignments of route(s), in the case of linear projects
 - 7.4 An adequate representation of the existing and surrounding environment and its attributes including (but not limited to) the following:
 - a) existing vegetation
 - b) existing and/or proposed infrastructure
 - c) drainage lines and watercourses (surface water)
 - d) ground water resources, aquifers etc.
 - e) wetlands
 - f) residential areas, sensitive nodes (schools, hospitals etc.) and major hazardous installations/areas.
 - g) other environmentally sensitive areas

IMPACT ASSESSMENT

8. Potential impacts associated with the proposed development and its alternatives on the receiving environment must be described and assessed, including inter alia the following:
 - 8.1. site specific impacts, as well as impacts to the surrounding environment(s)
 - 8.2. cumulative impacts on the affected environment/site
 - 8.3. direct and indirect impacts of the proposed development
 - 8.4. short, medium and long term impacts of the proposed development
9. A comparative assessment of all feasible alternatives (inclusive of the 'no go' alternative) in terms of positive and negative impacts must be conducted during the impact assessment phase.

10. Potential impacts of the existing environment on the proposed development (and/or its potential beneficiaries/residents/occupants) must be described and assessed, especially in cases where the development proposal is on, in close proximity or adjacent to the following structures/infrastructure and/or environments:
 - 10.1 Electrical substations, transmission and distribution powerlines
 - 10.2 Dams and reservoirs
 - 10.3 Pipelines transporting gas, oil and any other hazardous or toxic substance
 - 10.4 Waste disposal site (hazardous, domestic, etc)
 - 10.5 Major Hazardous Installations
 - 10.6 Mines and quarries
 - 10.7 Coastal dune areas
 - 10.8 Wetlands, Marshes
 - 10.9 Water courses, rivers and floodplains

SUBMISSION OF REPORTS

11. The EAP is responsible for ensuring that the relevant application forms (from DAEARD) are completed.
12. The EAP is responsible for providing copies of the following completed documentation (where relevant) to the E:MI
 - 12.1 signed application forms,
 - 12.2 exemption application forms
 - 12.3 basic assessment reports (BAR's)
 - 12.4 scoping reports
 - 12.5 environmental management programs (EMP's)
 - 12.6 environmental impact assessment reports (EIAR's)
 - 12.7 Specialist studies
13. The EAP must deliver 7 copies of all reports/applications to the E:MI
14. All reports (Basic Assessment, Exemption, Scoping, Environmental Impact Assessment) submitted to DAEARD in terms of the EIA regulations must:
 - 14.1 Have a cover page containing the project name and EIA reference numbers as a minimum.
 - 14.2 Contain the date of publication of the report for reference purposes.

- 14.3 Contain an executive summary which summarizes the assessment and its findings and conclusions.
- 14.4 Be included in a eThekweni Municipality Capital Projects folder (environmental assessment) and must contain the following information:
- a) Assessment Number (reference number as issued by DAEARD)
 - b) Department name (name of relevant municipal department i.e. the proponent)
 - c) Contact Person (contact person at the above department, usually the Project Manager)
 - d) Telephone numbers and E-mail details of the above person
15. Before the submission of a report (BAR, amended BAR, Scoping Report, Amended Scoping Report, Specialist Report, EIAR, draft EMP) compiled in terms of the EIA regulations to DAEARD, the EAP must give registered interested and affected parties access to, and opportunity to comment on these reports in writing.
16. The EAP must inform the E:MI when reports are submitted to DAEARD for authorization, inclusive of the following information:
- 16.1 details of the report/information submitted e.g. basic assessment report, scoping report etc.
 - 16.2 date when the above-mentioned documents/reports were submitted.
17. The EAP must copy all correspondence received from DAEARD to the E: MI.
18. The EAP must provide a copy of the Environmental Authorisation / Record of Decision to the E: MI within 5(five) working days of being received.
19. The EAP must include the submission of monthly progress reports to the Project Manager and E: MI.
20. The EAP must advertise the Environmental Authorisation and notify I&APs of the authorization and associated conditions. A percentage of the project budget will be withheld until proof of this advertising and notification has been submitted to the Project manager.
21. The EAP must allocate a budget for evaluation and explanation of the Conditions of Environmental Authorisation to the Project Manager.

Assessment Number:

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Department _____

Contact person _____

Telephone _____

E-mail _____

ETHEKWINI
MUNICIPALITY
Capital Project

environmental
assessment

Figure 1: Capital Projects EIA Folder

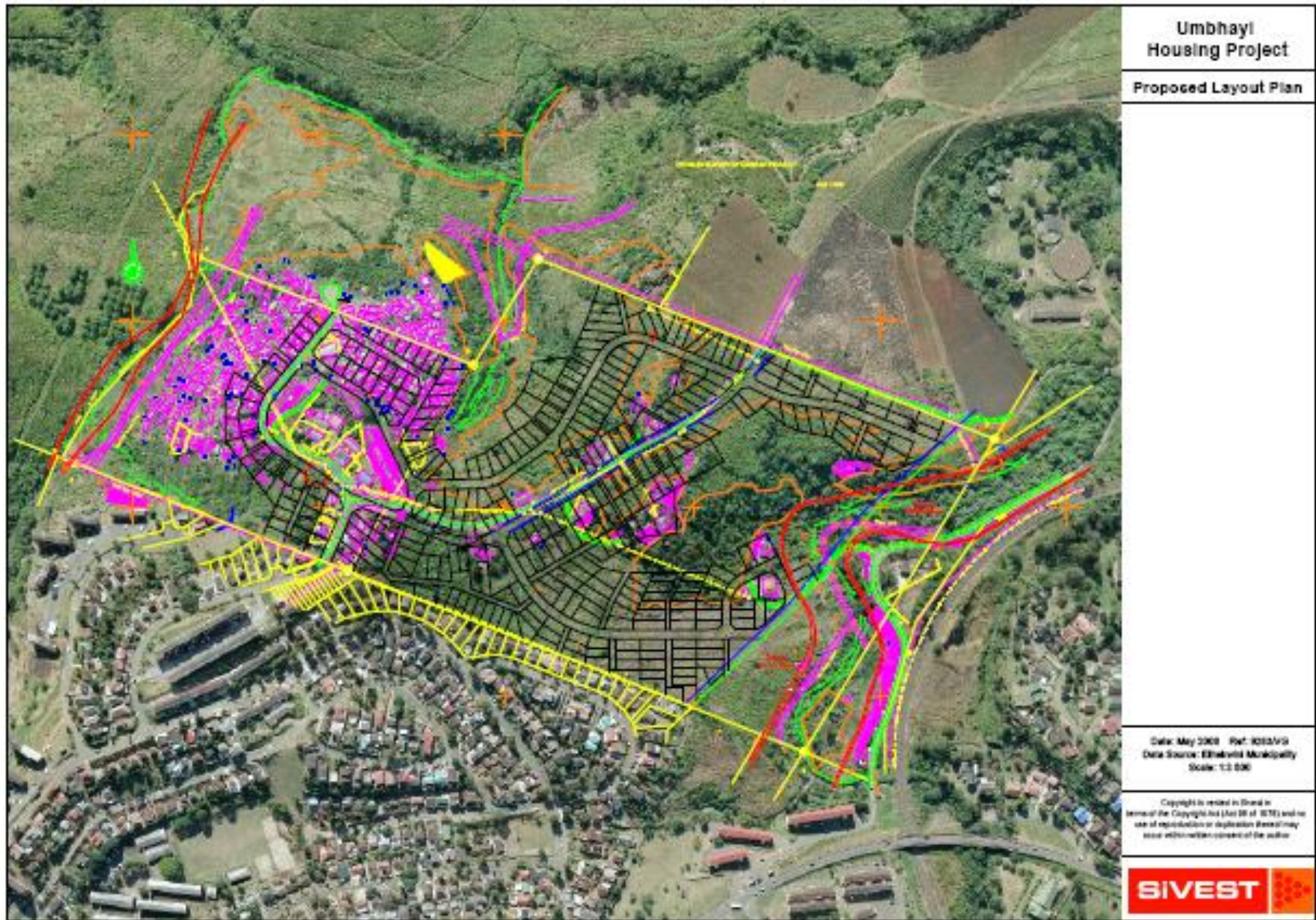


Figure 2: Example of layout maps

Authors: K. Samie, C.N. Thengwa; D. Roberts

Contact Persons:

Kuben Samie
Environmental: Municipal Infrastructure
Environmental Planning & Climate Protection Department
Tel: 031-311-7919
e-mail: samiek@durban.gov.za

Chumisa Thengwa
Manager: Biodiversity Impact Assessment
Environmental Planning & Climate Protection Department
Tel: 031-311-7517
e-mail: thengwac@durban.gov.za

Physical Address:

Room 226, 2nd Floor
City Engineers Building
166 KE Masinga (Old Fort) Road

Postal Address:

P.O. Box 680
Durban
4000