



INFORMATION ALERT:

NATIONAL ENVIRONMENTAL MANAGEMENT ACT 107 OF 1998 (NEMA)

ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS (EIA), 2010

On **18 June 2010** the Minister of Water and Environmental Affairs, Ms. Buyelwa Patience Sonjica, published in Government Gazette 33306 Notice Number 543 the regulations pertaining to environmental impact assessments under sections 24(5), 24M and 44 of NEMA. These regulations and the Listing Notices mentioned below will take effect on a date to be determined by the Minister by Notice in the Gazette.

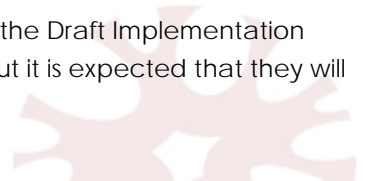
The Minister also published on the same day:

- √ **Listing Notice 1:** List of Activities and Competent Authorities Identified in terms of section 24(2) and 24D (Government Gazette 33306 Notice Number 544) - identified activities that would require environmental authorisation prior to the commencement of that activity and which will replace and repeal the former list of activities requiring basic assessment in GN R 386 of 21 April 2006.
- √ **Listing Notice 2:** List of Activities and Competent Authorities Identified in terms of section 24(2) and 24D (Government Gazette 33306 Notice Number 545) - identified activities that would require environmental authorisation prior to the commencement of that activity and which will replace and repeal the former list of activities requiring a scoping and environmental impact assessment report in GN R 387 of 21 April 2006.
- √ **Listing Notice 3:** List of Activities and Competent Authorities Identified in terms of section 24(2) and 24D (Government Gazette 33306 Notice Number 546) - relates to identified activities that would require environmental authorisation prior to the commencement of that activity in specific identified geographical areas only.
- √ **Environmental Management Framework Regulations, 2010** (Government Gazette 33306 Notice Number 547).

In addition to the abovementioned final regulations the following draft guidelines were also published:

- √ **Draft Implementation Guidelines** (Government Gazette 33308 Notice Number 603) - members of the public have been invited to submit written representations or comments within 30 days of the publication of the notice in the Gazette. The Guidelines include:
 - A Companion Document on the EIA Regulations, 2010
 - A Public Participation Guideline; and
 - Environmental Management Framework Guidelines.

On the day of distributing this Information Alert, the new EIA regulations, accompanying notices and the Draft Implementation Guidelines were not yet accessible on the Department of Water and Environmental Affairs website but it is expected that they will be posted shortly. Clients of Warburton Attorneys are invited to contact us for further information.



Warburton Attorneys

53 Dudley Road, Corner Bolton Avenue, Parkwood, Johannesburg, 2193

011 447 6848/49 (Tel)

011 447 6868 (Fax)

admin@warburtons.co.za

www.warburtons.co.za

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