



Terms of Reference (TOR) for EIAS

Environment Impact Assessment

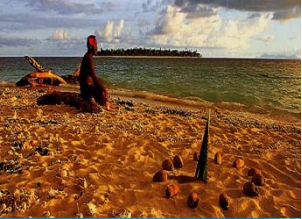
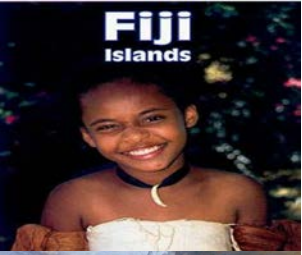
Assessments: Improving Public Participation And Decision Making For Coastal Developments In The Provinces.

*Department of Environment,
Ministry for Local Government,
Housing and Environment*



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CONTENT!!!

- i. Legal requirements for TOR development.
- ii. Public participation in TOR development.
- iii. Role of the developer in TOR development
- iv. Contents of the TOR





LEGAL REQUIREMENTS FOR TOR DEVELOPMENT.

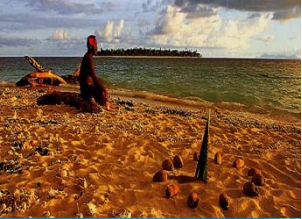
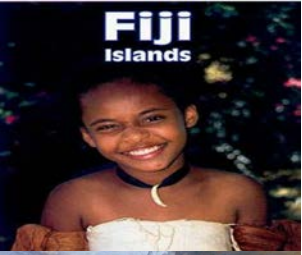
- S28 (3) Any terms of reference for the EIA study may, in accordance with the prescribed procedures, be prepared by the EIA Administrator, approving authority or a consultant.



LEGAL REQUIREMENTS FOR TOR DEVELOPMENT.

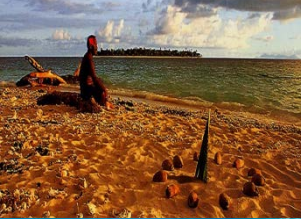
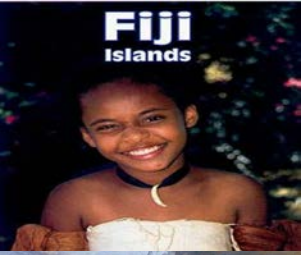
- **EMA 2005_29.-(1)** An EIA report must be prepared in accordance with the terms of reference produced under section 28(3).

(2) The contents of an EIA report must include matters required by the terms of reference, mitigation measures and any other prescribed matter.



- (4) If the proposal is for a major development, the processing authority may invite participation of other
 - i. line ministries,
 - ii. the private sector,
 - iii. non-governmental organizations,
 - iv. public authorities
 - v. and other interested persons to assist in the preparation of the TORs.





- (5) The processing authority may employ an independent EIA consultant to prepare the TORs on a proposal, at the authority's cost

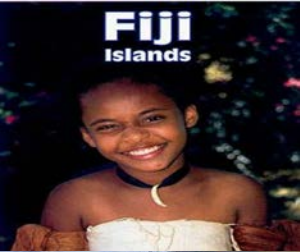


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- (7) If the TORs for an EIA study are prepared by the processing authority, the authority must send them to the proponent within 7 days of being finalised.



LEGAL REQUIREMENTS FOR TOR DEVELOPMENT.

20. (1) In the case of a major development proposal, if the TORs are prepared by the proponent's own EIA consultant, the proponent must convene at least one meeting at

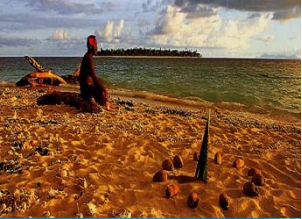
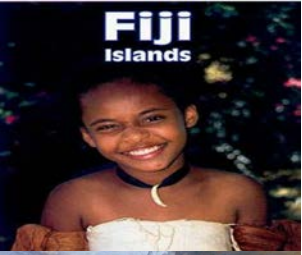
- which draft TORs are presented for discussion and participants can propose additions to
- or deletions from them.
- (2) Whether or not –
- (a) a meeting is convened under subregulation (1);
- (b) the draft TORs are prepared by the proponent;
- (c) the proposal is for a major development,
- the processing authority may if it considers it necessary require the proponent to convene
- one or more meetings to discuss the draft TORs on the proposal.
- (3) Regulation 18(3) to (6) apply to TOR meetings as they apply to scoping meetings.





Public Participation

- **20.** (1) In the case of a major development proposal, if the TORs are prepared by the proponent's own EIA consultant, the proponent must convene at least one meeting at which draft TORs are presented for discussion and participants can propose additions to or deletions from them.



Contents of TORs

21. (1) There is no prescribed form for TORs for an EIA study on a proposal but they must –

(a) set the parameters for the EIA study on the proposal;

(b) indicate the environmental and resource issues that the EIA report on the proposal should deal with.

(c) consider whether an environment management plan should be a condition of approval of the proposal;

(d) consider whether an environmental bond should be taken from the proponent, and if so the nature and amount of the bond.





Finalisation and Release of TOR

- EIA Regulation_19 (2) The TORs on the proposal must be finalized within 30 days from the receipt of the EIA processing application.



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