

Environmental Quality (Prescribed Activities) (Environmental Impact Assessment) Order 2015

P.U. (A) 195 of 2015; Federal Subsidiary Legislation; Issuing Authority: Minister of Natural Resources and Environment

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ENVIRONMENTAL QUALITY ACT 1974

ENVIRONMENTAL QUALITY (PRESCRIBED ACTIVITIES)

(ENVIRONMENTAL IMPACT ASSESSMENT) ORDER 2015

IN exercise of the powers conferred by subsection 34A(1) of the Environmental Quality Act 1974 [*Act 127*], the Minister, after consultation with the Council, makes the following order:

Citation

1. This order may be cited as the **Environmental Quality (Prescribed Activities) (Environmental Impact Assessment) Order 2015**.

Interpretation

2. In this Order-

"environmentally sensitive area" means-

(a) any area specified as such in the development plan or national physical plan under the Town and Country Planning Act 1976 [*Act 172*]) or

(b) any area specified as environmental protection area or environmental conservation area under any Enactment in the State of Sabah or any Ordinance in the State of Sarawak;

"report" means a report of an environmental impact assessment.

Prescribed activities

3. (1) The activities specified in the First Schedule and the Second Schedule are prescribed activities.
- (2) The activities specified in the First Schedule do not require public display and public comment unless otherwise instructed, in writing, by the Director General.
- (3) The activities specified in the Second Schedule require public display and public comment.
- (4) Notwithstanding subparagraph (1), the following activities are also prescribed activities:
 - (a) any prescribed activity which has been divided into a size or quantum smaller than the size or quantum specified in the First Schedule and the Second Schedule; or
 - (b) any activity involving the increase in size or quantum resulting such activity to be categorized as prescribed activities.
- (5) Public display and public comment referred to in subparagraphs (2) and (3) are a display of a report, at a place and within the time determined by the Director General, to obtain public comment in relation to that report.

Application to the State of Sarawak and Sabah

4. (1) This Order shall apply to the State of Sarawak in respect of the prescribed activities specified in the following items:
 - (a) items 2, 6, 9 and 10 and subitems 11(a) and (b) and 14(a) of the First Schedule; and
 - (b) items 2, 6, 9, 10, 11, 16 and 17 and subitem 14(a) of the Second Schedule.
- (2) This Order shall apply to the State of Sabah in respect of the prescribed activities specified in the following items:
 - (a) items 2, 6, 9 and 14 and subitems 11(a) and (b) of the First Schedule; and

(b) items 2, 6, 9,11,14 and 17 of the Second Schedule.

Revocation, saving and transitional

5. (1) The Environmental Quality (Prescribed Activities) (Environmental Impact Assessment) Order 1987 [*P.U. (A) 362/1987*], hereinafter referred to as "the revoked Order" in this paragraph, is revoked.

(2) This Order shall not affect any prescribed activity under the revoked Order where a report has been approved by the Director General before the coming into operation of this Order.

(3) A report in respect of any prescribed activity under the revoked Order which has been received by the Director General before the coming into operation of this Order shall be dealt with as if this Order has not been made.

(4) If the Director General does not approve the report under subparagraph (3) and the person who submitted the report re-submits it for approval after the coming into operation of this Order, the report shall be dealt with in accordance with this Order.

FIRST SCHEDULE

[Subparagraphs 3(1) and (4)]

1. AGRICULTURE:

(a) Land development schemes covering an area of 20 hectares or more but less than 500 hectares to bring forest into agricultural production.

(b) Development of agricultural estates covering an area of 500 hectares or more involving changes in types of agricultural use.

2. AERODROME:

Expansion of an aerodrome involving a runway of 1,000 metres or longer.

3. DRAINAGE AND IRRIGATION:

- (a) Construction of man-made lakes and enlargement of artificial lakes with surface areas of 100 hectares or more.
- (b) Irrigation schemes covering an area of 500 hectares or more.

4. FISHERIES:

Land based aquaculture projects accompanied by clearing of mangrove forest, peat swamp forest or fresh water swamp forest covering an area of 20 hectares or more but less than 50 hectares.

5. FORESTRY:

- (a) Conversion of forest at 300 meters or more above mean sea level to other land use covering an area of 20 hectares or more but less than 100 hectares.
- (b) Logging, or cutting or taking of timber for the purpose of conversion from forest to other land use covering an area of 100 hectares or more but less than 500 hectares.
- (c) Logging, or cutting or taking of timber from forest at less than 300 meters above mean sea level covering an area of 100 hectares or more, outside permanent reserved forest.
- (d) Conversion of an area of-
 - (i) mangrove forest;
 - (ii) peat swamp forest; or
 - (iii) fresh water swamp forest,for industrial, housing or agricultural use covering an area of 20 hectares or more but less than 50 hectares.
- (e) Development of planted forest covering an area of 100 hectares or more but less than 500 hectares.

6. INDUSTRY:

- (a) Chemical:

Production capacity of each product or combined products of

100 tonnes or more per day.

(b) Cement:

Cement grinding plant with cement production capacity of 200 tonnes or more per day.

(c) Lime:

Production of 100 tonnes or more per day of burnt lime using rotary kiln or 50 tonnes or more per day of burnt lime using vertical kiln.

(d) Petrochemicals:

Production capacity of each product or combined product of less than 50 tonnes per day.

(e) Shipyards:

Dead weight tonnage of 5,000 tonnes or more.

7. LAND RECLAMATION:

Coastal reclamation or land reclamation along river banks involving an area of less than 50 hectares.

8. MINING:

(a) Ore processing outside mineral tenement area, including concentrating of aluminium, copper, gold, iron, tantalum or rare earth element.

(b) Sand mining on land or river or in coastal area or in territorial waters not exceeding 3 nautical miles measured from the low-water line, involving an area of 20 hectares or more.

(c) Sand mining in continental shelf area.

9. PETROLEUM:

(a) Development of-

(i) oil field;

(ii) gas field; or

(iii) oil and gas field.

(b) Construction of 30 kilometres or more in length of-

- (i) off-shore pipelines;
 - (ii) on-shore pipelines; or
 - (iii) off-shore pipelines and on-shore pipelines.
- (c) Construction of-
- (i) oil separation, processing, handling and storage facilities;
 - (ii) gas separation, processing handling and storage facilities; or
 - (iii) oil and gas separation, processing handling and storage facilities.
- (d) Construction of product depot for the storage of petrol, gas or diesel which has the combined storage capacity of 60,000 barrels or more (excluding service station) within 3 kilometres from any commercial, industrial or residential area.

10. PORTS:

- (a) Expansion of port involving an increase of 50 percent or more in handling capacity per annum.
- (b) Expansion of fishing port involving an increase of 50 percent or more in fish landing capacity per annum.

11. POWER GENERATION AND TRANSMISSION:

- (a) Construction of steam generated power station using fossil fuels (other than coal) and having the capacity of 10 megawatts or more, with or without transmission line.
- (b) Construction of combined cycle power station, with or without transmission line.
- (c) Construction of transmission line in environmentally sensitive area.

12. DEVELOPMENT IN COASTAL AND HILL AREA:

- (a) Construction of building or facilities with 80 rooms or more in coastal area.
- (b) Construction of hill-station resort or hotel at 300 meters or more above mean sea level covering an area of 20 hectares or

more.

13. DEVELOPMENT IN SLOPE AREA:

Development or land clearing less than 50 per cent of an area with slope greater than or equal to 25° but less than 35°.

14. WASTE TREATMENT AND DISPOSAL:

(a) Scheduled waste:

(i) Construction of recovery plant (off-site).

(ii) Construction of wastewater treatment plant (off-site).

(iii) Construction of storage facility (off-site).

(b) Solid waste:

(i) Construction of composting plant.

(ii) Construction of recovery plant or recycling plant.

(c) Sewage:

(i) Construction of sewage treatment plant with 20,000 population equivalent or more.

(ii) Sludge treatment facilities.

15. DREDGING:

(a) Capital dredging.

(b) Disposal of waste dredged materials.

16. HOUSING:

Housing development covering an area of 50 hectares or more.

17. INDUSTRIAL ESTATE DEVELOPMENT:

Development of industrial estate covering an area of 20 hectares or more.

18. NEWTOWNSHIP:

Construction of new township consisting of 2,000 housing accommodation units or more or covering an area of 100 hectares or more.

19. QUARRY:

Quarrying of rock material.

20. ROAD:

- (a) Construction of expressways.
- (b) Construction of highways.
- (c) Construction of road, tunnel or bridge traversing or adjacent or near to environmentally sensitive areas.

21 WATER SUPPLY:

Groundwater development for industrial, agricultural or urban water supply of 4,500 cubic metres or more per day.

SECOND SCHEDULE

[Subparagraphs 3(1) and (4)]

1. AGRICULTURE:

- (a) Land development schemes covering an area of 500 hectares or more to bring forest into agricultural production.
- (b) New pig farming area of 2,000 or more standing pig population.

2. AERODROME:

- (a) Construction of a new aerodrome involving a runway of 1,000 metres or longer.
- (b) Construction of aerodrome in or adjacent or near to any state park, national park, national marine park, island surrounding marine park or environmentally sensitive area.

3. DRAINAGE AND IRRIGATION:

- (a) Construction of man-made lakes and artificial enlargement of lakes with surface areas of 50 hectares or more in or adjacent or near to environmentally sensitive area.
- (b) Any drainage of wetland, wild-life habitat or of dry inland forest covering an area of 20 hectares or more.

4. FISHERIES:

Land based aquaculture projects accompanied by clearing of mangrove forest, peat swamp forest or fresh water swamp forest

covering an area of 50 hectares or more.

5. FORESTRY:

(a) Conversion of forest at 300 meters or more above mean sea level to other land use covering an area of 100 hectares or more.

(b) Logging or conversion of forest to other land use within-

(i) a catchment area of reservoirs used for municipal water supply, irrigation or hydro-power;

(ii) an area adjacent or near to any state park, national park or national marine park;

(iii) any state park, national park or national marine park; or

(iv) an area gazetted as water catchment forest under the National Forestry Act 1984[*Act313*].

(c) Logging, or cutting or taking of timber from forest at 300 meters or more above mean sea level covering an area of 100 hectares or more, outside permanent reserved forest.

(d) Logging, or aittingor taking of timber covering an area of 500 hectares or more.

(e) Development of planted forest covering an area of 500 hectares or more.

(f) Conversion of an area of-

(i) mangrove forest;

(ii) peat swamp forest; or

(iii) fresh water swamp forest,

for industrial, housing or agricultural use covering an area of 50 hectares or more.

(g) Clearing of mangrove forest, peat swamp forest or fresh water swamp forest on islands adjacent to any national marine park.

6. INDUSTRY:

(a) Non-ferrous:

- (i) Primary smelting aluminium (all sizes).
- (ii) Primary smelting copper (all sizes).
- (iii) Primary smelting other non-ferrous (producing 50 tonnes product or more per day).

(b) Cement:

With clinker production capacity of 30 tonnes or more per hour.

(c) Iron and steel:

(i) Using iron ore as raw materials for production of 100 tonnes or more per day.

(ii) Using scrap iron as raw materials for production of 200 tonnes or more per day.

(d) Petrochemicals:

Production capacity of each product or combined product of 50 tonnes or more per day.

(e) Pulp, or pulp and paper:

Production capacity of 50 tonnes or more per day.

(f) Recycle paper industry:

Production capacity of 50 tonnes or more per day.

7. LAND RECLAMATION:

(a) Coastal reclamation or land reclamation along river banks involving an area of 50 hectares or more.

(b) Coastal reclamation or land reclamation along river banks within or adjacent or near to environmentally sensitive areas.

(c) Reclamation for man-made island.

8. MINING:

(a) Mining of minerals in new areas involving large scale operation.

(b) Mining of minerals within or adjacent or near to environmentally sensitive area.

9. PETROLEUM:

- (a) Construction of oil refineries.
- (b) Construction of gas refineries.
- (c) Construction of oil and gas refineries.

10. PORTS:

- (a) Construction of a new port.
- (b) Construction of a new fishing port.

11. POWER GENERATION AND TRANSMISSION:

- (a) Construction of coal fired power station and having the capacity of 10 megawatts or more with or without transmission line.
- (b) Construction of nuclear-fuel power station with or without transmission line.

12. DEVELOPMENT IN COASTAL AREA, NATIONAL PARK AND STATE PARK:

Development of tourist facilities, recreational facilities or other facilities-

- (a) in any national park or state park; or
- (b) on any island in surrounding waters which has been gazetted as a national marine park or marine reserve under the Fisheries Act 1985 [Act317].

13. DEVELOPMENT IN SLOPE AREA:

- (a) Development or land clearing of 50 per cent or more of an area with slope greater than or equal to 25° but lesser than 35°.
- (b) Construction of road, tunnel or bridge traversing an area with slope greater than or equal to 35°.

14. WASTE TREATMENT AND DISPOSAL:

- (a) Scheduled waste:
 - (i) Construction of thermal treatment plant.
 - (ii) Construction of off-site recovery plant for lead acid battery

wastes.

(iii) Construction of off-site recovery plant or treatment facility that generates significant amount of wastewater which is located at the upstream of public water supply intake.

(iv) Construction of secure landfill facility.

(b) Solid waste:

(i) Construction of thermal treatment plant.

(ii) Construction of sanitary landfill facility.

(iii) Construction of transfer station.

15. CONSTRUCTION OF DAM:

(a) Construction of dam or impounding reservoir for the purpose of irrigation, flood mitigation, control of siltation, recreational, water supply or any other reason with a surface area of 100 hectares or more.

(b) Dam and hydro-electric power scheme with either or both of the following:

(i) dam of 15 metres or more in height and ancillary structures covering a total area of 40 hectares or more;

(ii) reservoir with a surface area of 100 hectares or more.

16. TRANSPORTATION:

(a) Construction of new routes or branch line for a mass rapid transport project.

(b) Construction of new railway route or railway branch lines.

17. RADIOACTIVE MATERIALS AND RADIOACTIVE WASTE:

Any activity specified in this Schedule and the First Schedule using radioactive materials and generating radioactive wastes.

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