

AFFECTED LEGISLATION AND ESTIMATED TIMELINES

1. NEMA EIA regs (DFFE)

New Scope

Activity No(s):	Provide the relevant Basic Assessment Activity(ies) as set out in Listing Notice 1 of the EIA Regulations, 2014 as amended	Describe the portion of the proposed project to which the applicable listed activity relates. Ensure to include thresholds/area/footprint applicable.
12	<p>The development of—</p> <ul style="list-style-type: none"> (i) (ii) infrastructure or structures with a physical footprint of 100 square metres or more; <p>where such development occurs—</p> <ul style="list-style-type: none"> (a) within a watercourse; (b) in front of a development setback; or (c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; 	<p>Wetland and Lake form part of the definition of watercourse.</p> <p>Keep development outside of the 32metres from the edge of the watercourse.</p>
17	<p>Development—</p> <ul style="list-style-type: none"> (i); (ii) in an estuary; (iii); (iv) in front of a development setback; or (v) if no development setback exists, within a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever is the greater; 	<p>No structures must be constructed within 100 metres inland from the highwater mark of the sea or Estuary.</p>

	<p>in respect of—</p> <p>(a) ...;</p> <p>(b);</p> <p>(c);</p> <p>(d) ...; or</p> <p>(e) infrastructure or structures with a development footprint of 50 square metres or more —</p>	
19	<p>The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse.</p>	<p>Ensure that the project does not fall within the ambits of a watercourse (32 metres from the edge of the watercourse)</p>
19a	<p>The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from—</p> <p>(i) the seashore;</p> <p>(ii) the littoral active zone, an estuary or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever distance is the greater; or</p> <p>(iii) the sea; —</p>	<p>Excavations must be less than 5cubic meters within 100metres inland from the highwater mark of the estuary or the sea.</p>

12	The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.	No clearing of vegetation must take place, ensure that the structures are placed near the house within the already cleared areas. (Vegetation means all vegetation including grass) Clearing refers to permanently removal of vegetation.
14	<p>The development of—</p> <p>(i); or</p> <p>(ii) infrastructure or structures with a physical footprint of 10 square metres or more;</p> <p>where such development occurs—</p> <p>(a) within a watercourse;</p> <p>(b) in front of a development setback; or</p> <p>(c) if no development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse</p>	The total footprint of all structures within a watercourse must be less than 10 square metres. All structures must be constructed outside of the watercourse boundaries for this activity not to be triggered.
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TIMELINES

Should the EA be required (Isimangaliso might request that an EA be conducted) the following timeframes will apply

Pre Application meeting	1 month
Finalise the Specialist reports and Basic Assessment Report	1 Month

Conduct public Participation	1 month
Amend BA and Submit	2 weeks
review and decision by the DFFE	107 days

Total 181 days

The first and second activity will be done concurrently

2. National Water Act

If your development, construction, or activity falls within the **regulated area**, the DWS must be contacted for Water Use License.

This relates to construction of any structure or infrastructure within the regulated area.

- The term “regulated area” is defined in the General Authorisation for Section 21(c) and (i) water uses as bearing the ff meaning;

regulated area” means:

- (a)** the outer edge of the 1:100 year floodline of a watercourse; or
- (b)** if the floodline is unknown, then a distance of 500 metres from the edge of the watercourse; or
- (c)** within a wetland or within 500 metres of any boundary of a wetland; or
- (d)** within the riparian habitat of a watercourse;

NB: Eskom must determine the 1:100 year floodline of the Lakes and determine if there and ensure that no structure is built within this zone. The Enkoveni project area is within 500m from the Lakes, a pre-application meeting will be held with the DWS to determine the level of assessment.

Timelines

The Estimated timelines for the DWS application is a minimum of 3 months if a GA is required, it can be more if a full Water use license is required.

3. National Forest Act, National Environmental Management: Biodiversity Act, Ezemvelo KwaZulu Natal Wildlife Ordinances

- No Tree cutting or vegetation clearing must be done, the use of already denuded areas must be prioritized and the material required for this project must be delivered by helicopter, by foot or by boats and carried by foot to the households.

4. ISimangaliso, National Environmental Management Protected Areas Act

In terms of the NEMPAA, no person may construct a building or infrastructure within a protected area without prior approval from the Management Authority.

For Enkoveni the Management Authority is the Isimangaliso Wetland Park. The Regulations further state the following an application for approval must be submitted to the Management authority together with sufficient information to enable the authority to make a decision.

Sub-regulation (3) of these regulations lists the following as one of the decisions that may be reached by the Management Authority upon review of the report.

(3) The management authority may—

(a) refuse any application contemplated in subregulation (2);

(b) approve it with or without conditions; or

(c) refer it for an environmental authorisation process in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998), if the activity is a listed activity.

Timelines

Isimangaliso does not have regulated timeframes for reviewing and issuing decisions, however once we engage with them in the pre-application meeting these can be discussed. From experience in dealing with requests from approvals within the park, they usually respond within 3months.