

Listing Notice 3: KwaZulu-Natal

STAATSKOERANT, 7 APRIL 2017

No. 40772 57

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

NO. 324

07 APRIL 2017

NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998)

AMENDMENT OF THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS LISTING NOTICE 3 OF 2014

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby amend the Environmental Impact Assessment Regulations Listing Notice 3 of 2014, published under Government Notice No. 985 in Gazette No. 38282 on 4 December 2014 in terms of sections 24(2), 24(5), 24D and 44, read with section 47A(1)(b) of the National Environmental Management Act, 1998 (Act No. 107 of 1998), as set out in the Schedule hereto.

For ease of reading the full text of the existing list, with the amendments indicated, is published. The amendments take effect on the date that these amendments are published in the *Gazette*.



BOMO EDITH EDNA MOLEWA
MINISTER OF ENVIRONMENTAL AFFAIRS

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LISTING NOTICE 3

SCHEDULE

PURPOSE

1. The purpose of this Notice is to list activities and identify competent authorities under sections 24(2), 24(5) and 24D of the Act, where environmental authorisation is required prior to commencement of that activity in specific identified geographical areas only.

DEFINITIONS

2. (1) In this Notice, any word or expression to which a meaning has been assigned in the Act shall have the meaning so assigned, and unless the context otherwise indicates—

“aquatic critical biodiversity areas” means linkages between catchment, important rivers and sensitive estuaries whose safeguarding is critically required in order to meet biodiversity pattern and process thresholds and are spatially defined as part of a bioregional plan or systematic biodiversity plan, available on the South African National Biodiversity Institute’s BGIS website (<http://bgis.sanbi.org/WCBF14/project.asp>);

“bioregional plan” means the bioregional plan contemplated in Chapter 3 of the National Environmental Management Biodiversity Act, 2004 (Act No. 10 of 2004);

“buffer area” means, unless specifically defined, an area extending 10 kilometres from the proclaimed boundary of a world heritage site or national park and 5 kilometres from the proclaimed boundary of a nature reserve, respectively, or that defined as such for a biosphere;

“dangerous goods” means goods containing any of the substances as contemplated in South African National Standard No. 10234, supplement 2008 1.00: designated “List of classification and labelling of chemicals in accordance with the Globally Harmonized Systems (GHS)” published by Standards South Africa, and where the presence of such goods, regardless of quantity, in a blend or mixture, causes such blend or mixture to have one or more of the characteristics listed in the Hazard Statements in section 4.2.3, namely physical hazards, health hazards or environmental hazards;

“dam” when used in these Regulations means any barrier dam and any other form of impoundment used for the storage of water, excluding reservoirs;

“development” means the building, erection, construction or establishment of a facility, structure or infrastructure, including associated earthworks or

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borrow pits, that is necessary for the undertaking of a listed or specified activity, but excludes any modification, alteration or expansion of such a facility, structure or infrastructure, including associated earthworks or borrow pits, and excluding the redevelopment of the same facility in the same location, with the same capacity and footprint;

“development footprint” means any evidence of physical alteration as a result of the undertaking of any activity;

“development setback” means a setback line defined or adopted by the competent authority;

“estuarine functional zone” means the area in and around an estuary which includes the open water area, estuarine habitat (*such as sand and mudflats, rock and plant communities*) and the surrounding floodplain area, as defined by the area below the 5 m topographical contour (*referenced from the indicative mean sea level*);

“expansion” means the modification, extension, alteration or upgrading of a facility, structure or infrastructure at which an activity takes place in such a manner that the capacity of the facility or the footprint of the activity is increased;

“Important Bird and Biodiversity Areas (IBA)” means areas / sites that hold significant numbers of globally and/or regionally threatened species (Categories A1 and C1); sites that are known or thought to hold a significant component of a group of species whose breeding distributions define an Endemic Bird Area (EBA) (Category A2); sites that are known or thought to hold a significant component of a group of species whose distributions are largely or wholly confined to one biome (Category A3);

“indigenous vegetation” refers to vegetation consisting of indigenous plant species occurring naturally in an area, regardless of the level of alien infestation and where the topsoil has not been lawfully disturbed during the preceding ten years;

“industrial complex” means an area used or zoned for industrial purposes, including bulk storage, manufacturing, processing or packaging purposes;

“maintenance” means actions performed to keep a structure or system functioning or in service on the same location, capacity and footprint;

“maintenance management plan” means a management plan for maintenance purposes defined or adopted by the competent authority;

“National Protected Area Expansion Strategy (NPAES)” means South Africa's national strategy for expansion of the protected area network, led by the National Department responsible for environmental affairs and developed in collaboration with national and provincial conservation authorities. The NPAES sets targets for protected area expansion, provides maps of the most important areas for protected area expansion, and makes recommendations

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on mechanisms for protected area expansion. Focus areas for protected area expansion are identified in the NPAES. They are large, intact, unfragmented areas of high importance for land-based protected area expansion, suitable for the creation or expansion of large protected areas;

“NEMBA” means the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004);

“NEMPAA” means the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003);

“phased activities” means an activity that is developed in phases over time on the same or adjacent properties to create a single or linked entity, but excludes any activity for which an environmental authorisation has been obtained in terms of the Act or the Environment Conservation Act, 1989 (Act No. 73 of 1989);

“previous NEMA notices” as contemplated in these transitional arrangements means the previous notices published in terms of section 24(2) of NEMA (Government Notices No. R. 386 and R. 387 in the *Government Gazette* of 21 April 2006, as amended, or Government Notices No. R. 544, R. 545 and R. 546 in the *Government Gazette* of 18 June 2010, as amended, or Government Notices No. R 983, R. 984 and R. 985 in the *Government Gazette* of 4 December 2014);

“protected area” means those protected areas contemplated in section 9 of the NEMPAA and the core area of a biosphere reserve and shall include their buffers;

“sites or areas listed in terms of an international convention” means any area and its buffer, unless specifically defined, of 5 kilometres extending from its listed boundary, listed in terms of an international convention but does not include world heritage sites, and shall include but not be limited to the Ramsar Convention on Wetlands (Ramsar, Iran, 1971);

“systematic biodiversity plan” is a plan that identifies important areas for biodiversity conservation, taking into account biodiversity patterns (i.e. the principle of representation) and the ecological and evolutionary processes that sustain them (i.e. the principle of persistence). A systematic biodiversity plan must set quantitative targets/thresholds for aquatic and terrestrial biodiversity features in order to conserve a representative sample of biodiversity pattern and ecological processes;

“the Act” means the National Environmental Management Act, 1998 (Act No. 107 of 1998), as amended;

“throughput capacity” means the design capacity or maximum capable capacity of a facility, structures or infrastructure, whichever is the greater;

“urban areas” means areas situated within the urban edge (as defined or adopted by the competent authority), or in instances where no urban edge or

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boundary has been defined or adopted, it refers to areas situated within the edge of built-up areas;

“**watercourse**” means –

- (a) a river or spring;
- (b) a natural channel in which water flows regularly or intermittently;
- (c) a wetland, pan, lake or dam into which, or from which, water flows; and
- (d) any collection of water which the Minister may, by notice in the *Gazette*, declare to be a watercourse as defined in the National Water Act, 1998 (Act No. 36 of 1998); and

a reference to a watercourse includes, where relevant, its bed and banks; and

“**wetland**” means land which is transitional between terrestrial and aquatic systems where the water table is usually at or near the surface, or the land is periodically covered with shallow water, and which land in normal circumstances supports or would support vegetation typically adapted to life in saturated soil.

(2) The following words relevant to coastal activities will have the meaning assigned to it in the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008):

- a) “estuary”;
- b) “high-water mark”;
- c) “littoral active zone”;
- d) “sea”; and
- e) “seashore”.

(3) The following words will have the meaning assigned to them in terms of section 1 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002):

- a) “mineral”;
- b) “petroleum”; and
- c) “prospecting”.

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3. (1) The activities listed in Appendix 1 are identified in terms of section 24(2)(a) of the Act as activities that may not commence without an environmental authorisation from the competent authority.
- (2) The investigation, assessment and communication of potential impact of activities must follow the procedure as prescribed in regulations 19 and 20 of the Environmental Impact Assessment Regulations published in terms of section 24(5) of the Act.

REPEAL OF NOTICE 546 OF 18 JUNE 2010

4. Notice No. 546 published in Government Gazette 33306 on 18 June 2010 is hereby repealed.

SHORT TITLE

5. This Listing Notice is called Environmental Impact Assessment Regulations Listing Notice 3 of 2014, and takes effect on 08 December 2014.

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Activity number	Activity description	Geographical areas based on environmental attributes
1.	The development of billboards exceeding 18 square metres in size outside urban areas, mining areas or industrial complexes.	<p>d. KwaZulu-Natal</p> <ul style="list-style-type: none"> i. Trans-frontier protected areas managed under international conventions; ii. Community Conservation Areas; iii. Biodiversity Stewardship Programme Biodiversity Agreement areas; iv. A protected area identified in terms of NEMPAA, excluding conservancies; v. World Heritage Sites; vi. Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; vii. Sites or areas identified in terms of an international convention; viii. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; ix. Core areas in biosphere reserves; x. In an estuarine functional zone; xi. Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority, or zoned for a conservation purpose; xii. Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any terrestrial protected area identified in terms of NEMPAA or from the core area of a biosphere reserve; or xiii. Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined.

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<p>2.</p>	<p>The development of reservoirs, excluding dams, with a capacity of more than 250 cubic metres.</p>	<p>d. KwaZulu-Natal</p> <ul style="list-style-type: none"> i. Trans-frontier protected areas managed under international conventions; ii. Community Conservation Areas; iii. Biodiversity Stewardship Programme Biodiversity Agreement areas; iv. World Heritage Sites; v. In an estuarine functional zone; vi. In a protected area identified in terms of NEMPAA, excluding conservancies; vii. Sites or areas identified in terms of an international convention; viii. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; ix. Core areas in biosphere reserves; x. Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority, or zoned for a conservation purpose; xi. Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; xii. Outside urban areas: <ul style="list-style-type: none"> (aa) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any terrestrial protected area identified in terms of NEMPAA or from the core area of a biosphere reserve; or (bb) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined; or xiii. Inside urban areas: <ul style="list-style-type: none"> (aa) Areas zoned for use as public open space; (bb) Areas seawards of the development setback line or within 100 metres from the high-water mark of the sea if no such development setback line is determined; or (cc) Within urban protected areas.
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<p>3. The development of masts or towers of any material or type used for telecommunication broadcasting or radio transmission purposes where the mast or tower—</p> <p>(a) is to be placed on a site not previously used for this purpose; and</p> <p>(b) will exceed 15 metres in height—</p> <p>but excluding attachments to existing buildings and masts on rooftops.</p>	<p>d. KwaZulu-Natal</p> <ul style="list-style-type: none"> i. In an estuarine functional zone; ii. Trans-frontier protected areas managed under international conventions; iii. Community Conservation Areas; iv. World Heritage Sites; v. Biodiversity Stewardship Programme Biodiversity Agreement areas; vi. A protected area identified in terms of NEMPAA, excluding conservancies; vii. Sites or areas identified in terms of an international convention; viii. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; ix. Core areas in biosphere reserves; x. Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose; xi. Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; xii. Outside urban areas: <ul style="list-style-type: none"> (aa) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any terrestrial protected area identified in terms of NEMPAA or from the core areas of a biosphere reserve; or (bb) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined; or xiii. Inside urban areas: <ul style="list-style-type: none"> (aa) Areas seawards of the development setback line or within 100 metres from the high-water mark of the sea if no such development setback line is determined; (bb) Within urban protected areas; (cc) Areas zoned for use as public open space; or (dd) Areas within 1 kilometre from terrestrial protected areas identified in terms of NEMPAA.
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<p>4.</p>	<p>The development of a road wider than 4 metres with a reserve less than 13,5 metres.</p>	<p>d. KwaZulu-Natal</p> <ul style="list-style-type: none"> i. In an estuarine functional zone; ii. Trans- frontier protected areas managed under international conventions; iii. Community Conservation Areas; iv. Biodiversity Stewardship Programme Biodiversity Agreement areas; v. World Heritage Sites; vi. A protected area identified in terms of NEMPAA; vii. Sites or areas identified in terms of an international convention; viii. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; ix. Core areas in biosphere reserves; x. Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose; xi. Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; xii. Outside urban areas: <ul style="list-style-type: none"> (aa) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any terrestrial protected area identified in terms of NEMPAA or from the core areas of a biosphere reserve; or (bb) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined; or xiii. Inside urban areas: <ul style="list-style-type: none"> (aa) Areas zoned for use as public open space; (bb) Seawards of the development setback line or within 100 metres from the high-water mark of the sea if no such development setback line is determined; or (cc) Within urban protected areas.
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<p>5.</p>	<p>The development of resorts, lodges, hotels, tourism or hospitality facilities that sleep less than 15 people.</p>	<p>d. KwaZulu-Natal</p> <ul style="list-style-type: none"> i. A protected area identified in terms of the NEMPAA; ii. Outside urban areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any terrestrial protected area identified in terms of NEMPAA or from the core area of a biosphere reserve; iii. Trans-frontier protected areas managed under international conventions; iv. Community Conservation Areas; v. Biodiversity Stewardship Programme Biodiversity Agreement areas; vi. Provincial Protected Area Expansion Strategy Focus areas; vii. In an estuarine functional zone; viii. World Heritage Sites; ix. A protected area identified in terms of NEMPAA; x. Sites or areas identified in terms of an international convention; xi. Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; xii. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; xiii. Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose; xiv. Outside urban areas: <ul style="list-style-type: none"> (aa) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined; or (bb) Areas within a watercourse or wetland; or within 100 metres from the edge of a watercourse or wetland; or xv. Inside urban areas: <ul style="list-style-type: none"> (aa) Areas zoned for use as public open space; or (bb) Areas seawards of the development setback line or within 100m from the high-water mark of the sea if no such development setback line is determined.
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<p>6. The development of resorts, lodges, hotels, tourism or hospitality facilities that sleeps 15 people or more.</p>	<p>d. KwaZulu-Natal</p> <ul style="list-style-type: none"> i. In an estuarine functional zone; ii. Trans-frontier protected areas managed under international conventions; iii. Community Conservation Areas; iv. Biodiversity Stewardship Programme Biodiversity Agreement areas; v. A protected area identified in terms of NEMPAA, excluding conservancies; vi. Sites or areas identified in terms of an international convention; vii. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; viii. Core areas in biosphere reserves; ix. World Heritage Sites; x. Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose; xi. Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; xii. Outside urban areas: <ul style="list-style-type: none"> (aa) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any terrestrial protected area identified in terms of NEMPAA or from the core area of a biosphere reserve; (bb) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined; or (cc) Areas within a watercourse or wetland; or within 100 metres from the edge of a watercourse or wetland; or xiii. Inside urban areas: <ul style="list-style-type: none"> (aa) Areas zoned for use as public open space; (bb) Areas seawards of the development setback line or within 100m from the high-water mark of the sea if no such development setback line is determined; or (cc) Areas within 500 metres from terrestrial protected areas identified in terms of NEMPAA.
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<p>7.</p>	<p>The development of aircraft landing strips and runways 1,4 kilometres and shorter.</p>	<p>d. KwaZulu-Natal</p> <ul style="list-style-type: none"> i. In an estuarine functional zone; ii. Community Conservation Areas; iii. Biodiversity Stewardship Programme Biodiversity Agreement areas; iv. A protected area identified in terms of NEMPAA, excluding conservancies; v. World Heritage Sites; vi. Sites or areas identified in terms of an international convention; vii. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; viii. Core areas in biosphere reserves; ix. Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose; x. Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any terrestrial protected area identified in terms of NEMPAA or from the core of a biosphere reserve; xi. Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; xii. Outside urban areas: <ul style="list-style-type: none"> (aa) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined; or (bb) Areas within a watercourse or wetland; or within 100 metres from the edge of a watercourse or wetland; or xiii. Inside urban areas: <ul style="list-style-type: none"> (aa) Areas zoned for use as public open space; or (bb) Areas seawards of the development setback line or within 100m high-water mark of the sea if no such development setback line is determined.
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<p>8.</p>	<p>The development and related operation of above ground cableways and funiculars.</p>	<p>d. KwaZulu-Natal</p> <ul style="list-style-type: none">i. All areas outside urban areas; orii. Inside urban areas:<ul style="list-style-type: none">(aa) In an estuarine functional zone;(bb) A protected area identified in terms of NEMPAA, excluding conservancies;(cc) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;(dd) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;(ee) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose;(ff) Areas zoned for use as public open space;(gg) Areas on the watercourse side of the development setback line or within 100 metres from the edge of a watercourse where no such setback line has been determined;(hh) Areas within a watercourse or wetland;(ii) Areas seawards of the development setback line or within 100 metres from the high-water mark of the sea if no such development setback line is determined; or(jj) Areas within 500 metres from terrestrial protected areas identified in terms of NEMPAA.
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<p>9.</p>	<p>The development and related operation of zip-lines or foefie-slides exceeding 100 metres in length.</p>	<p>d. KwaZulu-Natal</p> <ul style="list-style-type: none">i. All areas outside urban areas; orii. Inside urban areas:<ul style="list-style-type: none">(aa) A protected area identified in terms of NEMPAA, excluding conservancies;(bb) In an estuarine functional zone;(cc) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;(dd) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;(ee) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose;(ff) Areas zoned for use as public open space;(gg) Areas on the watercourse side of the development setback line or within 100 metres from the edge of a watercourse where no such setback line has been determined;(hh) Areas within a watercourse or wetland;(ii) Areas seawards of the development setback line or within 100 metres from the high-water mark of the sea if no such development setback line is determined; or(jj) Areas within 500 metres from terrestrial protected areas identified in terms of NEMPAA.
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<p>10.</p>	<p>The development and related operation of facilities or infrastructure for the storage, or storage and handling of a dangerous good, where such storage occurs in containers with a combined capacity of 30 but not exceeding 80 cubic metres.</p>	<p>d. KwaZulu-Natal</p> <ul style="list-style-type: none"> i. In an estuarine functional zone; ii. Trans-frontier protected areas managed under international conventions; iii. Community Conservation Areas; iv. Biodiversity Stewardship Programme Biodiversity Agreement areas; v. World Heritage Sites; vi. Within 500 metres of an estuarine functional zone; vii. A protected area identified in terms of NEMPAA, excluding conservancies; viii. Sites or areas identified in terms of an international convention; ix. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; x. Core areas in biosphere reserves; xi. Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose; xii. Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; xiii. Outside urban areas: <ul style="list-style-type: none"> (aa) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any terrestrial protected area identified in terms of NEMPAA or from the core areas of a biosphere reserve; (bb) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined; or (cc) Areas within a watercourse or wetland; or within 100 metres from the edge of a watercourse or wetland; or xiv. Inside urban areas: <ul style="list-style-type: none"> (aa) Areas zoned for use as public open space; or (bb) Areas seawards of the development setback line or within 100 metres from the high-water mark of the sea if no such development setback line is determined.
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11.	The development of tracks or routes for the testing, recreational use or outdoor racing of motor powered vehicles excluding conversion of existing tracks or routes for the testing, recreational use or outdoor racing of motor powered vehicles.	d. KwaZulu-Natal <ul style="list-style-type: none">i. In an estuarine functional zone;ii. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;iii. Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose;iv. Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;v. Outside urban areas:<ul style="list-style-type: none">(aa) Within areas of indigenous vegetation; or(bb) In areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined; orvi. Inside urban areas:<ul style="list-style-type: none">(aa) Areas seawards of the development setback line or within 100 metres from the high-water mark of the sea if no such development setback line is determined;(bb) Areas within a watercourse or wetland; or within 100 metres from the edge of a watercourse or wetland; or(cc) Areas zoned for use as public open space.
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<p>12.</p>	<p>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.</p>	<p>d. KwaZulu-Natal</p> <ul style="list-style-type: none"> i. Trans-frontier protected areas managed under international conventions; ii. Community Conservation Areas; iii. Biodiversity Stewardship Programme Biodiversity Agreement areas; iv. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004; v. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; vi. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas; vii. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; viii. A protected area identified in terms of NEMPAA, excluding conservancies; ix. World Heritage Sites; x. Sites or areas identified in terms of an international convention; xi. Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose; xii. Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; or xiii. In an estuarine functional zone.
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13.	The development and related operation of facilities of any size for any form of aquaculture.	d. KwaZulu-Natal <ul style="list-style-type: none">i. Trans-frontier protected areas managed under international conventions;ii. Community Conservation Areas;iii. Biodiversity Stewardship Programme Biodiversity Agreement areas;iv. In an estuarine functional zone;v. In a Protected Area identified in the NEMPAA;vi. World Heritage Sites;vii. Areas on the watercourse side of the development setback line or within 100 metres from the edge of a watercourse where no such setback line has been determined;viii. Areas within a watercourse or wetland;ix. Sites or areas identified in terms of an international convention;x. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;xi. Core areas in biosphere reserves;xii. Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose; orxiii. Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority.
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<p>14.</p>	<p>The development of—</p> <p>(i) dams or weirs, where the dam or weir, including infrastructure and water surface area exceeds 10 square metres; 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> <p>excluding the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour.</p>	<p>d. KwaZulu-Natal</p> <p>i. In an estuarine functional zone;</p> <p>ii. Community Conservation Areas;</p> <p>iii. Biodiversity Stewardship Programme Biodiversity Agreement areas;</p> <p>iv. A protected area identified in terms of NEMPAA, excluding conservancies;</p> <p>v. World Heritage Sites;</p> <p>vi. Sites or areas identified in terms of an international convention;</p> <p>vii. Critical biodiversity areas or ecological support areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</p> <p>viii. Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;</p> <p>ix. Core areas in biosphere reserves;</p> <p>x. Outside urban areas:</p> <p>(aa) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any terrestrial protected area identified in terms of NEMPAA or from the core area of a biosphere reserve; or</p> <p>(bb) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined; or</p> <p>xi. Inside urban areas:</p> <p>(aa) Areas zoned for use as public open space;</p> <p>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority, zoned for a conservation purpose; or</p> <p>(cc) Areas seawards of the development setback line or within 100 metres from the high-water mark of the sea if no such development setback line is determined.</p>
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15.	The transformation of land bigger than 1000 square metres in size, to residential, retail, commercial, industrial or institutional use, where, such land was zoned open space, conservation or had an equivalent zoning, on or after 02 August 2010.	d. KwaZulu-Natal n/a
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<p>16.</p>	<p>The expansion of reservoirs, excluding dams, where the capacity will be increased by more than 250 cubic metres.</p>	<p>d. KwaZulu-Natal</p> <ul style="list-style-type: none"> i. Trans-frontier protected areas managed under international conventions; ii. Community Conservation Areas; iii. Biodiversity Stewardship Programme Biodiversity Agreement areas; iv. World Heritage Sites; v. In an estuarine functional zone; vi. In a protected area identified in terms of NEMPAA, excluding conservancies; vii. Sites or areas identified in terms of an international convention; viii. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; ix. Core areas in biosphere reserves; x. Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority, or zoned for a conservation purpose; xi. Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; xii. Outside urban areas: <ul style="list-style-type: none"> (aa) Areas within 10 kilometres from national parks or world heritage sites or 5 from any terrestrial protected area identified in terms of NEMPAA or from the core area of a biosphere reserve; or (bb) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined; or xiii. Inside urban areas: <ul style="list-style-type: none"> (aa) Areas zoned for use as public open space; (bb) Areas seawards of the development setback line or within 100 meters from the high-water mark of the sea if no such development setback line is determined; (cc) Areas within a watercourse or wetland; or (dd) Within urban protected areas.
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<p>17.</p>	<p>The expansion of a resort, lodge, hotel, tourism or hospitality facilities where the development footprint will be expanded and the expanded facility can accommodate an additional 15 people or more.</p>	<p>d. KwaZulu-Natal</p> <ul style="list-style-type: none"> i. Trans-frontier protected areas managed under international conventions; ii. Community Conservation Areas; iii. Biodiversity Stewardship Programme Biodiversity Agreement areas; iv. In an estuarine functional zone; v. A protected area identified in terms of NEMPAA, excluding conservancies; vi. Sites or areas identified in terms of an international convention; vii. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; viii. Core areas in biosphere reserves; ix. World Heritage Sites; x. Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose; xi. Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; xii. Outside urban areas: <ul style="list-style-type: none"> (aa) Areas within 10 kilometres from national parks or world heritage sites or 5 from any terrestrial protected area identified in terms of NEMPAA or from the core area of a biosphere reserve; (bb) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined; or (cc) Areas within a watercourse or wetland; or within 100 metres from the edge of a watercourse or wetland; or xiii. Inside urban areas: <ul style="list-style-type: none"> (aa) Areas zoned for use as public open space; (bb) Areas seawards of the development setback line or within 100m from the high-water mark of the sea if no such development setback line is determined; or (cc) Areas within 500 metres from terrestrial protected areas identified in terms of NEMPAA.
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<p>18. The widening of a road by more than 4 metres, or the lengthening of a road by more than 1 kilometre.</p>	<p>d. KwaZulu-Natal</p> <ul style="list-style-type: none"> i. Trans-frontier protected areas managed under international conventions; ii. Community Conservation Areas; iii. Biodiversity Stewardship Programme Biodiversity Agreement areas; iv. World Heritage Sites; v. In an estuarine functional zone; vi. A protected area identified in terms of NEMPAA; vii. Sites or areas identified in terms of an international convention; viii. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; ix. Core areas in biosphere reserves; x. Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose; xi. Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; xii. Outside urban areas: <ul style="list-style-type: none"> (aa) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any terrestrial protected area identified in terms of NEMPAA or from the core areas of a biosphere reserve; or (bb) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined; or xiii. Inside urban areas: <ul style="list-style-type: none"> (aa) Areas zoned for use as public open space; (bb) Seawards of the development setback line or within 100 metres from the high-water mark of the sea if no such development setback line is determined; or (cc) Within urban protected areas.
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<p>19. The expansion of runways or aircraft landing strips where the expanded runways or aircraft landing strips will be longer than 1,4 kilometres in length.</p>	<p>d. KwaZulu-Natal</p> <ul style="list-style-type: none"> i. Community Conservation Areas; ii. Biodiversity Stewardship Programme Biodiversity Agreement areas; iii. In an estuarine functional zone; iv. A protected area identified in terms of NEMPAA, excluding conservancies; v. World Heritage Sites; vi. Sites or areas identified in terms of an international convention; vii. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; viii. Core areas in biosphere reserves; ix. Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose; x. Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any terrestrial protected area identified in terms of NEMPAA or from the core of a biosphere reserve; xi. Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; xii. Outside urban areas: <ul style="list-style-type: none"> (aa) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined; or (bb) Areas within a watercourse or wetland; or within 100 metres from the edge of a watercourse or wetland; or xiii. Inside urban areas: <ul style="list-style-type: none"> (aa) Areas zoned for use as public open space; or (bb) Areas seawards of the development setback line or within 100m high-water mark of the sea if no such development setback line is determined.
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20.	The expansion and related operation of above ground cableways and funiculars where the development footprint will be increased.	d. KwaZulu-Natal <ul style="list-style-type: none">i. All areas outside urban areas; orii. Inside urban areas:<ul style="list-style-type: none">(aa) In an estuarine functional zone;(bb) A protected area identified in terms of NEMPAA, excluding conservancies;(cc) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;(dd) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;(ee) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose;(ff) Areas zoned for use as public open space;(gg) Areas on the watercourse side of the development setback line or within 100 metres from the edge of a watercourse where no such setback line has been determined;(hh) Areas within a watercourse or wetland;(ii) Areas seawards of the development setback line or within 100 metres from the high-water mark of the sea if no such development setback line is determined; or(jj) Areas within 500 metres from terrestrial protected areas identified in terms of NEMPAA.
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21.	The expansion of tracks or routes for the testing, recreational use or outdoor racing of motor powered vehicles excluding conversion of existing tracks or routes for the testing, recreational use or outdoor racing of motor powered vehicles, where the development footprint will be expanded.	d. KwaZulu-Natal <ul style="list-style-type: none">i. In an estuarine functional zone;ii. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;iii. Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose;iv. Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;v. Outside urban areas:<ul style="list-style-type: none">(aa) Within areas of indigenous vegetation; or(bb) In areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined; orvi. Inside urban areas:<ul style="list-style-type: none">(aa) In areas seawards of the development setback line or within 100 metres from the high-water mark of the sea if no such development setback line is determined;(bb) Areas within a watercourse or wetland; or within 100 metres from the edge of a watercourse or wetland; or(cc) Areas zoned for use as public open space.
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<p>22.</p>	<p>The expansion and related operation of facilities or infrastructure for the storage, or storage and handling of a dangerous good, where such storage facilities or infrastructure will be expanded by 30 cubic metres or more but no more than 80 cubic metres.</p>	<p>d. KwaZulu-Natal</p> <ul style="list-style-type: none"> i. Trans-frontier protected areas managed under international conventions; ii. Community Conservation Areas; iii. Biodiversity Stewardship Programme Biodiversity Agreement areas; iv. World Heritage Sites; v. In an estuarine functional zone; vi. Within 500 metres of an estuarine functional zone; vii. A protected area identified in terms of NEMPAA, excluding conservancies; viii. Sites or areas identified in terms of an international convention; ix. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; x. Core areas in biosphere reserves; xi. Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose; xii. Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; xiii. Outside urban areas: <ul style="list-style-type: none"> (aa) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any terrestrial protected area identified in terms of NEMPAA or from the core areas of a biosphere reserve; (bb) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined; or (cc) Areas within a watercourse or wetland; or within 100 metres from the edge of a watercourse or wetland; or xiv. Inside urban areas: <ul style="list-style-type: none"> (aa) Areas zoned for use as public open space; or (bb) Areas seawards of the development setback line or within 100 metres from the high-water mark of the sea if no such development setback line is determined.
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<p>23.</p>	<p>The expansion of—</p> <p>(i) dams or weirs where the dam or weir is expanded by 10 square metres or more; or</p> <p>(ii) infrastructure or structures where the physical footprint is expanded by 10 square metres or more;</p> <p>where such expansion occurs—</p> <p>(a) within a watercourse;</p> <p>(b) in front of a development setback adopted in the prescribed manner; 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> <p>excluding the expansion of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour.</p>	<p>d. KwaZulu-Natal</p> <p>i. Community Conservation Areas;</p> <p>ii. Biodiversity Stewardship Programme Biodiversity Agreement areas;</p> <p>iii. In an estuarine functional zone;</p> <p>iv. A protected area identified in terms of NEMPAA, excluding conservancies;</p> <p>v. World Heritage Sites;</p> <p>vi. Sites or areas identified in terms of an international convention;</p> <p>vii. Critical biodiversity areas or ecological support areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</p> <p>viii. Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;</p> <p>ix. Core areas in biosphere reserves;</p> <p>x. Outside urban areas:</p> <p>(aa) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any terrestrial protected area identified in terms of NEMPAA or from the core area of a biosphere reserve; or</p> <p>(bb) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined; or</p> <p>xi. Inside urban areas:</p> <p>(aa) Areas zoned for use as public open space;</p> <p>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority, zoned for a conservation purpose; or</p> <p>(cc) Areas seawards of the development setback line or within 100 metres from the high-water mark of the sea if no such development setback line is determined.</p>
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24.	The expansion and related operation of facilities of any size for any form of aquaculture.	d. KwaZulu-Natal <ul style="list-style-type: none">i. Trans-frontier protected areas managed under international conventions;ii. Community Conservation Areas;iii. Biodiversity Stewardship Programme Biodiversity Agreement areas;iv. In an estuarine functional zone;v. In a Protected Area identified in the NEMPAA;vi. World Heritage Sites;vii. Areas on the watercourse side of the development setback line or within 100 metres from the edge of a watercourse where no such setback line has been determined;viii. Areas within a watercourse or wetland;ix. Sites or areas identified in terms of an international convention;x. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;xi. Core areas in biosphere reserves;xii. Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose; orxiii. Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority.
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<p>25.</p>	<p>The expansion and related operation of zip-lines or foefie-slides, where the zip- line or foefie-slide is expanded by 100 metres in length or more.</p>	<p>d. KwaZulu-Natal</p> <ul style="list-style-type: none">i. All areas outside urban areas; orii. Inside urban areas:<ul style="list-style-type: none">(aa) A protected area identified in terms of NEMPAA, excluding conservancies;(bb) In an estuarine functional zone;(cc) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;(dd) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;(ee) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose;(ff) Areas zoned for use as public open space;(gg) Areas on the watercourse side of the development setback line or within 100 metres from the edge of a watercourse where no such setback line has been determined;(hh) Areas within a watercourse or wetland;(ii) Areas seawards of the development setback line or within 100 metres from the high-water mark of the sea if no such development setback line is determined; or(jj) Areas within 500 metres from terrestrial protected areas identified in terms of NEMPAA.
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<p>26.</p>	<p>Phased activities for all activities—</p> <p>i. listed in this Notice and as it applies to a specific geographical area, which commenced on or after the effective date of this Notice; or</p> <p>ii. similarly listed in any of the previous NEMA notices, and as it applies to a specific geographical area, which commenced on or after the effective date of such previous NEMA Notices—</p> <p>where any phase of the activity was below a threshold but where a combination of the phases, including expansions or extensions, will exceed a specified threshold; —</p> <p>excluding the following activities listed in this Notice—</p> <p>7; 8; 11; 13; 20; 21; and 24.</p>	<p>All the areas as identified for the specific activities listed in this Notice.</p>
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APPENDIX 1

Identification of competent authority: The competent authority in respect of the activities listed in this part of the Notice is the competent authority in the province in which the activity is to be undertaken, unless—

- a) it is an application for an activity contemplated in section 24C(2) of the Act, in which case the competent authority is the Minister or an organ of state with delegated powers in terms of section 42(1) of the Act;
- b) the listed or specified activity is or is directly related to—
 - i. prospecting or exploration of a mineral or petroleum resource; or
 - ii. extraction and primary processing of a mineral or petroleum resource;in which case the competent authority is the Minister responsible for mineral resources.

The exception mentioned in (b) above does not apply to the following activities contained in this Notice: 5; 6; 9; 11; 13; 17; 21; 24; 25 and 26.