

## **DEVELOPMENT MAY REQUIRE ENVIRONMENTAL APPROVALS**

The KwaDukuza Municipality is constitutionally mandated to undertake municipal planning (Schedule 4-part B of the Constitution of the Republic of South Africa, 1996). This includes the planning of open spaces so that the natural environment, specifically the ecosystem goods and services it provides within the municipality are adequately protected. In addition, the Bill of Rights as set out in the Constitution requires that the environment be protected for the benefit of present and future generations. The principles of the National Environmental Management Act (Act 107 of 1998) (NEMA) are also binding on all organs of state when making a decision that could affect the environment. It is against these requirements that the Environmental Management Unit (EMU) of KwaDukuza Municipality aims to:

1. protect our natural environment and the ecosystem goods and services in these habitats such as forest (dune, coastal, scarp and swamp), grassland, woodlands, dry valley thicket, river catchments including dams and wetlands and floodplains, and estuaries including sand, mudbanks and mangroves. it provides for the benefit of present and future generations; and
2. plan for mitigation of and adaptation to the impacts of climate change.

There are a number of tools developed to achieve this mandate is the planning and protection of the coastal, biodiversity and open spaces through the KwaDukuza Biodiversity and Open Space Plan (BosMap) (accessible via KDM GIS), the KwaDukuza Coastal Management Plan, and the KwaDukuza Climate Change Response Strategy.

Any development that is proposed within or adjacent to areas mentioned above must be reviewed by the EMU to assess the potential impacts of the development on biodiversity and on the ecosystem goods and services it provides.

The focus of the environmental management unit when it comes to development comprises of green building guidelines implementation, environmental impact assessment (Private Developments) and environmental impact assessment and municipal compliance (Municipal Projects).

Certain developments may require approvals from provincial or national government departments. The two most prevalent pieces of legislation that require such approvals are:

1. The National Environmental Management Act (NEMA), administered by the provincial Department of Economic Development, Tourism and Environmental Affairs (EDTEA).
2. The National Water Act (NWA), administered by the national Department of Water and Sanitation (DWS).

The NEMA Environmental Impact Assessment (EIA) Regulations lists a number of activities with certain thresholds that require formal approval, known as an Environmental Authorisation (EA). Obtaining Environmental Authorisation involves the EIA process with assessment of the various impacts of the proposed activity in detail. Some of the most common activities that require EA include, but are not limited to, the following:

1. Infilling or excavation within a watercourse, where the volume of material infilled or excavated amounts to more than 10m<sup>3</sup> (but note, 5m<sup>3</sup> from the seashore, littoral active zone or the sea).
2. Construction of infrastructure of more than 100m<sup>2</sup> within 32m of a watercourse, where the development occurs outside of urban areas.
3. Clearing of more than 300m<sup>2</sup> of vegetation within an endangered or critically endangered ecosystem (check with KDM GIS BosMap).

Likewise, the NWA requires a Water Use License Application (WULA) to be followed for certain proposed activities relating to water courses and water resources. In short, any activity that is likely to significantly affect a watercourse or water resource, either directly or indirectly, will require a water use license. Common activities that require a WULA to be followed include, but are not limited to:

1. Development within 500m of a wetland
2. Impeding or altering flows within a watercourse (dams, weirs, and canal)
3. Altering the bed or banks of a watercourse.

Like all legal processes, it is anticipated that the implementation of the NEMA EIA regulations and the NWA may pose a challenge, especially to people not in the Environmental Impact Assessment field. The environmental management unit is thus available to offer advice free of charge as well assist in ensuring that they are in line with legislation and KwaDukuza Coastal and Biodiversity layers' requirements.

**ENVIRONMENTAL MANAGEMENT UNIT**– Nokubonga Duma  
[nokubongad@kwadukuza.gov.za](mailto:nokubongad@kwadukuza.gov.za), 032-4375030 Thembeka Mthuli  
[thembekam@kwadukuza.gov.za](mailto:thembekam@kwadukuza.gov.za), 032-4375205 Mbali Mpanza [mbalim@kwadukuza.gov.za](mailto:mbalim@kwadukuza.gov.za)  
 032-4375567

## CHECKLIST

It likely that development within BosMap areas or within the ecosystems mentioned below are going to be restricted to ensure that KwaDukuza's biodiversity and the ecosystem goods and services that it delivers are not compromised. The extent of the restrictions can only be determined on review of the application

ACTIVITY	OBTAINED/ REQUIRED OR DESCRIBE
Zoning (if known: Agriculture, Residential etc.)	
Development Footprint	
Environmental Authorisation and Environmental Management Plan reports	
Environmental Authorisation	
Licence (protected species, waste and air quality)	
Water Use Authorisation	
Indigenous vegetation e.g. grassland, woodlands, coastal and swamp forests, dry thicket	
Estuary	
Coastal Zone (within 100m)	
Proximity to river or stream	
Available services such as sewer, electrical, storm water management	

**Please note:**

- 1. The municipality will not approve any development that requires EIA approval until this has been obtained from the competent authority (normally the provincial Department of Economic Development Tourism and Environment Affairs). This may cause delays in the planning process approvals. The cost and responsibility for undertaking this assessment is on the developer.*
- 2. Where a site is sensitive because of its location within BOSMAP area or because it contains particular habitats, then the EMU may call for an environmental management plan to be undertaken in order to evaluate the development application even if there is no NEMA EIA trigger. This assessment may include a wetland delineation or vegetation assessment. Required development restrictions and setbacks will be determined through this process and included in any planning approval granted. The cost and responsibility for undertaking this assessment is on the developer.*