

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

NO. 706

13 JULY 2018

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

CORRECTIONS TO THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS AND LISTING NOTICES, 2014

I, Bomo Edna Edith Molewa, Minister of Environmental Affairs, hereby under sections 24(2), 24(5) and 24D read with section 47A(1)(b) of the National Environmental Management Act, 1998 (Act No. 107 of 1998), make the corrections as set out in the Schedule hereto.



**BOMO EDNA EDITH MOLEWA
MINISTER OF ENVIRONMENTAL AFFAIRS**

SCHEDULE

DEFINITIONS

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

“the Regulations” means the Environmental Impact Assessment Regulations, 2014, published under Government Notice No. 982 in Gazette No. 38282 of 4 December 2014 and amended by Government Notice 326 of 7 April 2017 published in Gazette No. 40772;

“Listing Notice 1” means the Environmental Impact Assessment Regulations Listing Notice 1, 2014, published under Government Notice No. 983 in Gazette No. 38282 of 4 December 2014 and amended by Government Notice 327 of 7 April 2017 published in Gazette No. 40772;

“Listing Notice 2” means the Environmental Impact Assessment Regulations Listing Notice 2, 2014, published under Government Notice No. 984 in Gazette No. 38282 of 4 December 2014 and amended by Government Notice 325 of 7 April 2017 published in Gazette No. 40772;

“Listing Notice 3” means the Environmental Impact Assessment Regulations Listing Notice 3, 2014, published under Government Notice No. 985 in Gazette No. 38282 of 4 December 2014 and amended by Government Notice 324 of 7 April 2017 published in Gazette No. 40772;

Amendment of Regulation 14 of the Regulations

2. Regulation 14 is hereby amended by the substitution, in subregulation (6), for the words “a request in terms of subregulation (5)(c)” of the words “a request in terms of subregulation (5)(b)”.

Amendment of Regulation 23 of the Regulations

3. Regulation 23 is hereby amended by the substitution of subregulation (1) of the following subregulation:

(1) The applicant must within 106 days of the acceptance of the scoping report, or, where regulation 21(2) applies, within 106 days of the date of receipt of the application by the competent authority, submit to the competent authority—

- (a) an environmental impact assessment report inclusive of any specialist reports, and an EMPr, which must have been subjected to a public participation process of at least 30 days and which reflects the incorporation of comments received, including any comments of the competent authority; or
- (b) a notification in writing that the reports, and an EMPr, will be submitted within 156 days of acceptance of the scoping report by the competent authority or where regulation 21(2) applies, within 156 days of receipt of the application by the competent authority, as significant changes have been made or significant new information has been added to the environmental impact assessment report or EMPr, which changes or information was not contained in the reports consulted on during the initial public participation process contemplated in subregulation (1)(a), and that the revised environmental impact assessment report or EMPr will be subjected to another public participation process of at least 30 days.”.

Amendment of Regulation 33 of the Regulations

4. Regulation 33 is hereby amended by the deletion, in subregulation (2), of the word “holder”.

Amendment of Regulation 49 of the Regulations

5. Regulation 49 is hereby amended by the substitution for the definition of “previous NEMA notices” of the following definition:

“**“previous NEMA notices”** as contemplated in these transitional arrangements means the previous notices published in terms of section 24(2) of NEMA (Government Notices R. 386 and R. 387 in the Government Gazette of 21 April 2006, as amended, Government Notices No. R.544, 545 and 546 in the Government Gazette of 18 June 2010, as amended, or Government Notices No. R983, R984 and R985 in the Government Gazette of 4 December 2014);”.

Amendment of Listing Notice 1

6. Listing Notice 1 is hereby amended by —

- (a) the deletion, in the definition of “previous NEMA notices” of the words “as contemplated in these transitional arrangements”; and
- (b) the substitution, in paragraph (cc) of activity 48, for the words “activity 14 in Listing Notice 3” of the words “activity 23 in Listing Notice 3”.

Amendment of Listing Notice 3

7. Listing Notice 3 is hereby amended by the deletion, in the definition of “previous NEMA notices”, of the words “as contemplated in these transitional arrangements”.

Commencement

8. These corrections take effect immediately on the date of publication in the *Gazette*.