

**No. R. 660****13 June 2008**

The Minister of Environmental Affairs and Tourism hereby publishes the second amendment draft to Listing Notice 1 of the List of Activities and Competent Authorities Identified in terms of Sections 24(2) and 24D of the National Environmental Management Act, 1998 published in Government Notice No. R. 386 of 21 April 2006, which provides for activities which may not commence without environmental authorisation from the competent authority and in respect of which the investigation, assessment and communication of potential impact of activities must follow the procedure as described in regulations 22 to 26 of the Environmental Impact Assessment Regulations, 2006, promulgated in terms of section 24(5) of the Act.

**DRAFT AMENDMENT REGULATIONS**

To amend Listing Notice 1 of the List of Activities and Competent Authorities Identified in terms of Sections 24(2) and 24D of the National Environmental Management Act, 1998 published in Government Notice No. R. 386 of 21 April 2006, so as to provide for certain textual alterations, the insertion of new definitions and substitution of others; and augmenting definitions to amendments to certain listed activities in order to clarify which activities should be included to undergo an assessment process or the exclusion of certain listed activities which should not undergo an assessment process and to provide for incidental matters.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:-

## SCHEDULE

### General Explanatory Note

“[ ]” Words in bold type in square brackets indicate omissions from existing enactments.

“ ” Words underlined with a solid line indicate insertions in existing enactments.

## SCHEDULE

### Definitions

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 -

“**agri-industrial**” means an undertaking involving the beneficiation of primary agricultural produce; **[production, processing, manufacture, packaging or storage of agricultural produce and includes battery farm operations that are under roof]**

**[“asbestos” means any fibrous mineral silicates, including actinolite, amosite, anthophyllite, chrysotile, crocokolite or tremolite;]**

“**associated structures or infrastructure**” means any building or infrastructure that is necessary for the functioning of a facility or activity or that is used for an ancillary service or use from the facility;

“**canal**” means an open structure, that is lined or reinforced, for the conveying of a liquid or that serves as an artificial watercourse;

“**channel**” means an excavated hollow bed for running water or an artificial underwater depression to make a water body navigable [or to improve the flow of water] in a natural watercourse, river or the sea;

“**concentration of animals**” means the keeping of animals in a confined space or structure, including a feedlot, where they are fed in order to prepare them for slaughter or to produce secondary products such as milk or eggs;

“**construction**” means the building, erection or establishment of a facility, structure or infrastructure 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; [building, erection or expansion of a facility, structure or infrastructure that is necessary for the undertaking of an activity, but excludes any modification, alteration or upgrading of such facility, structure or infrastructure that does not result in a change to the nature of the activity being undertaken or an increase in the production, storage or transportation capacity of that facility, structure or infrastructure]

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

“**dangerous goods**” means goods as contemplated in the Schedule hereto [that are capable of posing a significant risk to the health and safety of people or the environment and which are listed in South African National Standard No.10228: 2003, Edition 3, excluding ammonium nitrate to be used solely for the purpose of fertilizer; [, designated “The identification and classification of dangerous goods for transport”, SANS 10228:2003, edition 3, published by Standards South Africa, ISBN 0-626-14417-5, as may be amended from time to time]

“decommissioning” means to take out of active service permanently or dismantle partly or wholly, or closure of a facility to the extent that it can not be readily re-commissioned;

“derelict land” means abandoned land or property where the lawful/legal land use right has not been exercised during the preceding ten year period;

“development footprint”, in respect of land, means any evidence of physical transformation as a result of the undertaking of any activity;”

“development setback” means a setback line in terms of zoning scheme regulations or a setback line determined in terms of development approval conditions or a setback line determined in terms of approval conditions included in previous authorisations, rezoning or subdivision approvals spatial development tools and which must, where appropriate, be scientifically motivated;

“effluent” means wastewater from any source;

“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 [production, treatment, storage or] capacity of the facility or the scale of the activity is increased;

“filling station” means a site where petrol, diesel, liquid petroleum gas or paraffin is offered for sale, and includes shops and car-washing facilities that are located on the same property or form part of the same development but excludes retail shops that sell gas or paraffin in small containers;

**[“floodplain” means the 1:10 year flood line, a discernable flat landscape feature next to a river or stream that was created by weathering and sedimentation over time]**

**“indigenous vegetation” means vegetation consisting mostly of indigenous plant species occurring naturally in an area; [where the topsoil has not been disturbed during the preceding ten years];**

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

**[“infill development” means urban development, including residential, commercial, retail, institutional, educational and mixed use development, but excluding industrial development, in a built up area which is at least 50 percent abutted by urban development and which can be readily connected to municipal bulk infrastructure services;]**

**[“mariculture” means the culture or husbandry of fish in sea water;]**

**“marina” means a constructed waterway that is normally associated with residential or commercial use and that could include mooring facilities;**

**“maintenance dredging” when used in this Regulation means a dredging activity which reoccurs on a regular basis for operational purposes in ports, marinas or harbours;**

**“mixed use”, with regard to an activity, means the presence of two or more types of land use in an area;**

**“petroleum”** means any liquid, solid hydrocarbon or combustible gas as defined in section 1 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), as amended;

**“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 through interconnected internal vehicular or pedestrian circulation, sharing of infrastructure, or the continuum of design, style or concept by the same proponent or his or her successors.

**“resort”** means facilities for overnight tourism accommodation which sleeps more than 15 people;

**“sewage”** means effluent from a domestic source which is conveyed by sewer to a wastewater treatment plant;

**“slaughter unit”** in relation to a quantity standard for determining throughput, means the definition as defined in Regulation 1028 of the Animal Slaughter, Meat and Animal Product Hygiene Act, 1967;

**[“South African Manual for Outdoor Advertising Control”** means the Department of Environmental Affairs and Tourism and the Department of Transport publication titled “South African Manual for Outdoor Advertising Control”, published by the Department of Environmental Affairs and Tourism, April 1998, ISBN: 0-621-27343-0;]

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

**“the Regulations”** means the Environmental Impact Assessment Regulations, 2006;

“**transformation**” means the physical or legal alteration of the land use as a result of the undertaking of any activity;

“**undeveloped**” means that no facilities, structures or infrastructure have previously been effected upon the land or property, either above or below ground, to give effect to the lawful land use right of the land or property;

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

“**vacant**” means not occupied for the purpose of its lawful land use right namely residential, mixed, retail, commercial, industrial or institutional use during the preceding ten year period;

“**watercourse**” means -

(a) a river or spring;

(b) a natural channel in which water flows regularly or intermittently;

(c) a wetland, 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, 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. In this Notice, the following words relevant to aquaculture activities will have the meaning so assigned hereunder;

**“aquaculture”** means the farming [animals or plants in an aquatic environment] of aquatic organisms including fish, molluscs, crustaceans and plants in controlled or selective aquatic environments, with some form of intervention in the rearing process to enhance production, such as regular stocking, feeding and protection from natural predators;

**“cage culture”** means the practice of aquaculture within a defined pen or net cage or structure that is contained within a larger water body.

**“exotic”** means all species not naturally found in South Africa or which has been introduced into South Africa by human intervention;

**“extralimital”** means species that occur within South Africa but which have been introduced into areas where they do not occur naturally; i.e. outside of their natural distribution range;

**“finfish”** means an aquatic vertebrate of the super-class Pisces;

**“naturalized distribution range”** means the distribution range occupied by an exotic or extralimital species in which it has established a reproducing population.



3. In this Notice, the following words will have the meaning so assigned hereunder; until such time as the national legislation providing for waste management has come into effect, where after the definitions will be substituted by the applicable definitions of the national legislation governing waste management in the Republic of South Africa -

“hazardous waste” means any waste that contains organic or inorganic elements or compounds that may, owing to the inherent physical, chemical or toxicological characteristics of that waste, have a detrimental impact on health and the environment;

“temporary storage of hazardous waste” means the storage of hazardous waste for a period of 90 days or less;

“waste” means any substance, whether or not that substance can be reduced, reused, recycled and recovered, that –

- (i) is surplus, unwanted, rejected, discarded, abandoned or disposed of;
- (ii) the generator has no further use of for the purposes of production, reprocessing or consumption;
- (iii) that must be treated or disposed of; or
- (iv) is identified as a waste by the Minister;

Provided that a by-product shall not be considered to be waste and provided further that any portion of waste once reduced, reused, recycled or recovered ceases to be waste;

4. In this Notice, the following words will have the meaning so assigned in terms of section 1 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), as amended -

“mine”; “mineral”, “mining permit”,” “prospecting”; “prospecting right”  
“prospecting area”.

5. In this Notice, the following words will have the meaning so assigned hereunder; until such time as the national legislation governing coastal management in the Republic of South Africa has come into effect, where after the definitions will be substituted by the applicable definitions of the national legislation governing coastal management in the Republic of South Africa -

“coastal protection zone” consists of –

- (a) an area declared in terms of the Environment Conservation Act, 1989 (Act No. 73 of 1989) as a sensitive coastal area within which activities identified in terms of section 17(1) of that Act may not be undertaken without an authorisation;
- (b) any part of the littoral active zone that is not coastal public property;
- (c) any coastal protected area, or part of such area, which is not coastal public property;
- (d) any area situated wholly or partially within one kilometre of the high water mark which –
  - (i) is zoned for agricultural or undetermined use; or
  - (ii) is not zoned nor part of a lawfully established township, urban area or other human settlement;
- (e) any area not referred to in paragraph (d) that is situated wholly or partially within 100 metres inland of the high water mark;

**“coastal public property”** consists of –

- (a) State-owned land located adjacent to and inland of the sea-shore;
- (b) the sea-shore; and
- (c) the sea between the low water mark and the territorial waters as defined in the Maritime Zones Act, 1994 (Act 15 of 1994);

**“estuary”** means a body of surface water that –

- (a) is part of a water course that is permanently or periodically open to the sea;  
and
- (b) in which a rise and fall of the water level as a result of the tides is measurable at spring tides when the water course is open to the sea; or
- (c) the salinity is measurably higher as a result of the influence of the sea;

**“high-water mark”** means the highest line reached by coastal waters but excluding any line reached as a result of –

- (a) exceptional or abnormal floods or storms that occur no more than once in ten years; or
- (b) an estuary being closed to the sea;

**[the water of the sea during ordinary storms occurring during the most stormy period of the year, excluding exceptional or abnormal floods;]**

**“littoral active zone”** means any land forming part of, or adjacent to, the seashore that is –

- (a) unstable and dynamic as a result of natural processes; and
- (b) characterised by dunes, beaches, sand bars and other landforms composed of unconsolidated sand, pebbles or other such material which is either unvegetated or only partially vegetated;

**“low-water mark”** means the lowest line to which coastal waters recede during spring tides;

“**sea**” means all marine waters, including –

(a) the high seas;

(b) all marine waters under the jurisdiction of any state; and

(c) the bed, subsoil and substrata beneath those waters,

but does not include estuaries;

**[means the water and the bed of the sea and the subsoil thereof, below the high-water mark, including the water and the bed of any tidal river and tidal lagoon]**

“**seashore**” means the area between the low-water mark and the high-water mark.

## SCHEDULE

ACTIVITIES IDENTIFIED IN TERMS OF SECTION 24(2)(a) [AND (d)] OF THE ACT, WHICH MAY NOT COMMENCE WITHOUT ENVIRONMENTAL AUTHORISATION FROM THE COMPETENT AUTHORITY AND IN RESPECT OF WHICH THE INVESTIGATION, ASSESSMENT AND COMMUNICATION OF POTENTIAL IMPACT OF ACTIVITIES MUST FOLLOW THE PROCEDURE AS DESCRIBED IN REGULATIONS 22 TO 26 OF THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2006, PROMULGATED IN TERMS OF SECTION 24(5) OF THE ACT -

| Activity number | Activity description  | Identification of competent authority  |
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| 1               | <p>The construction of <b>[facilities or infrastructure, including associated structures or infrastructure, for ]-</b></p> <p>(a) <u>facilities or infrastructure for the generation of electricity where:</u></p> <p style="padding-left: 40px;">(i) <u>the electricity output is more than 10 megawatts but less than 20 megawatts;</u></p> <p style="padding-left: 40px;">(ii) <u>the output is less than 10 megawatts but the total extent of the facility covers an area in excess of 1ha;</u></p> <p>(b) <u>facilities or infrastructure for the above ground storage of 1 000 tons or more but less than 100 000 tons of ore;</u></p> <p>(c) <u>facilities or infrastructure for the storage of 250 tons or more but less than 100 000</u></p> | <p>The competent authority in respect of the activities listed in this part of the schedule is the environmental 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</p> |

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|  | <p>tons of coal;</p> <p>(d) resorts, lodges, hotels or other tourism and hospitality facilities <u>of any size</u> in a protected area contemplated in the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003) regardless of the location of such protected area, <u>but excluding conversion of existing structures to resorts, lodges, hotels or other tourism and hospitality facilities;</u></p> <p>(e) <u>resorts, excluding:</u></p> <p style="padding-left: 20px;">(i) <u>where such resorts are located in urban areas, or</u></p> <p style="padding-left: 20px;">(ii) <u>conversion of existing structures to resorts;</u></p> <p><b>[(f) any purpose where lawns, playing fields or sports tracks covering an area of more than three hectares, but less than 10 hectares, will be established;]</b></p> <p>(f) <u>facilities or infrastructure for sport spectator purposes</u> with the capacity to hold 8 000 spectators or more;</p> <p>(g) <u>facilities or infrastructure for the slaughter</u> <b>[of animals with a product throughput of 10 000 kilograms or more per year]</b> <u>of:</u></p> | <p>authority is the Minister or an organ of state with delegated powers in terms of section 42(1) of the Act, as amended; or</p> <p>(b) the activity is to be conducted in or on a mining area or is to transform the area where the activity is to be conducted into a mining area</p> |
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|  | <p>(i) <u>poultry exceeding 50 poultry per day</u></p> <p>(ii) <u>game and red meat exceeding 6 slaughter units per day;</u></p> <p>(h) <u>facilities or infrastructure for the concentration of animals for the purpose of commercial production in densities that exceed -</u></p> <p>(i) 20 square metres per head of cattle and more than 500 head of cattle per facility; <b>[per year;]</b></p> <p>(ii) eight square meters per sheep and more than 1 000 sheep per facility <b>[per year;]</b>;</p> <p>(iii) eight square metres per pig and more than 250 pigs per facility <b>[per year;]</b>excluding piglets that are not yet weaned;</p> <p>(iv) 30 square metres per crocodile at any level of production, excluding crocodiles younger than 6 months;</p> <p>(v)(aa) <u>more than 1000 poultry per facility, excluding chicks younger than 20 days, where the facility is situated inside an urban area;</u></p> <p>(bb) <u>more than 5000 chickens or poultry, excluding chicks younger than 20 days, where the facility is situated outside an urban area;</u></p> <p><b>[three square metres per head of poultry and more than 250 poultry</b></p> |  |
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|  | <p><b>per facility at any time, excluding chicks younger than 20 days;]</b></p> <p>(v) three square metre per rabbit <b>[at]</b> and more than 250 rabbits per facility <b>[at any time; ]</b>or</p> <p>(vi) <u>250</u> <b>[100]</b> square metres per ostrich <u>or emu</u> and more than 50 ostriches or emus per facility <b>[per year]</b>or 2500 square metres per breeding pair;</p> <p>(i) <u>facilities or infrastructure for aquaculture of -</u></p> <p>i) <u>any size in an estuary or protected area contemplated in the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003) regardless of the location of such protected area;</u></p> <p>ii) <u>finfish, crustaceans, reptiles or amphibians, including exotic or extralimital species with a production output exceeding 20 000 kg but less than 200 000 kg per annum (live round weight) with the exception of rainbow trout (<i>Oncorhynchus mykiss</i>) farmed within its naturalized distribution range and with a production output lower than 20 000 kg per annum (live round weight) and with the exception of offshore cage culture where 1(i)(v)</u></p> |  |
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|  | <p><u>below will apply:</u></p> <p>iii) <u>molluscs including exotic or extralimital species with a production output exceeding 30 000 kg but less than 200 000 kg per annum (live round weight) with the exception of off shore cage culture where 1 (i)(v) below will apply;</u></p> <p>iv) <u>aquatic plants including exotic or extralimital species with a production output exceeding 60 000 kg but less than 200 000 kg per annum (live round weight) with the exception of off shore cage culture where 1 (i)(v) below will apply;</u></p> <p>v) <u>offshore cage culture of finfish, crustaceans, reptiles, amphibians, molluscs and aquatic plants including exotic or extralimital species with a production output exceeding 50000 kg but less than 100 000 kg per annum (live round weight).</u></p> <p><b>[aquaculture production, including mariculture and algae farms, with a product throughput of 10 000 kilograms, or more per year;]</b></p> <p>(j) <u>facilities or infrastructure for agri-industrial purposes relating to beneficiation of produce, outside industrial areas [with</u></p> |  |
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|  | <p><b>an existing land use zoning for industrial purposes],</b> that cover an area of 1 000 square metres or more;</p> <p>(k) <u>facilities or infrastructure for the bulk transportation of water, sewage [and water, including] and storm water, in pipelines exceeding 1000 metres in length, situated outside urban areas, with -</u></p> <ul style="list-style-type: none"><li>(i) an internal diameter of 0,36 metres or more; or</li><li>(ii) a peak throughput of 120 litres per second or more;</li></ul> <p><u>excluding where such construction relates to storm water drainage inside a road reserve;</u></p> <p>(l) <u>facilities or infrastructure for the transmission and distribution of electricity [above ground]</u></p> <ul style="list-style-type: none"><li>(i) with a capacity of <u>more than 33 but less [more] than [33] 220 kilovolts</u> excluding in a urban, industrial area or</li><li>(ii) with a capacity of <u>more than 220 kilovolts in urban or industrial areas; [and less than 120 kilovolts];</u></li></ul> <p>(m) <u>facilities or infrastructure for any purpose in the one in ten year flood line of a [river or stream]watercourse or wetland, or within 32 metres, whichever is the greater, from the</u></p> |  |
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|  | <p>bank of a <b>[river or stream]</b>watercourse <u>or edge of a wetland [where the flood line is unknown]</u>, excluding purposes associated with existing residential use, but including -</p> <ul style="list-style-type: none"><li>(i) canals;</li><li>(ii) channels;</li><li>(iii) bridges;</li><li>(iv) dams; <b>[and]</b></li><li>(v) weirs; <u>and</u></li><li>(vi) <u>storm water outlet structures;</u></li></ul> <p>(n) <u>facilities or infrastructure for the off-stream storage of water, including dams, with a capacity of 50 000 cubic metres or more, unless such storage falls within the ambit of the activity listed in item 6 of Government Notice 387 of 2006 as amended or item ?? of Government Notice ?? of 2008,</u><br/><b>5[6;</b></p> <p>(o) <u>facilities or infrastructure for the recycling, re-use, handling, temporary storage or treatment of general waste with a throughput capacity of 20 cubic metres or more daily average measured over a period of 30 days, but less than 50 tons daily average measured over a period of 30 days;</u></p> <p>(p) <u>facilities or infrastructure for the temporary storage of hazardous waste at quantities exceeding the minimum</u></p> |  |
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requirements as provided in the Department of Water Affairs and Forestry's Waste Management Series - Minimum Requirements for the Handling, Classification and Disposal of Hazardous Waste, 1998, Edition 2, as may be amended from time to time;

(q) **[the landing, parking and maintenance of aircraft including -] helicopter landing pads or aircraft landing strips shorter than 1,4km, [helicopter landing pads, excluding helicopter landing facilities and stops used exclusively by emergency services;**

- (i) **unpaved aircraft landing strips shorter than 1,4km;**
- (ii) **structures for equipment and aircraft storage;**
- (iii) **structures for maintenance and repair;**
- (iv) **structures for fuelling and fuel storage; and**
- (v) **structures for air cargo handling;];**

(r) facilities or infrastructure for the recreational use and outdoor racing, excluding on temporary tracks, of motor powered vehicles [outdoor racing of motor powered vehicles] including -

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|  | <p>(i) motorcars;</p> <p>(ii) trucks;</p> <p>(iii) motorcycles; <u>and</u></p> <p>(iv) quad bikes;</p> <p>(v) <b><u>[boats; and</u></b></p> <p>(vi) <b><u>jet skis;]</u></b></p> <p>;</p> <p>(s) <u>facilities or infrastructure for the treatment of effluent [wastewater] or sewage with an annual throughput capacity of more than [2] 5000 cubic metres but less than [15] 50000 cubic metres;</u></p> <p>(t) marinas, and structures for the launching of watercraft on inland fresh water systems;</p> <p>(u) above ground cableways and funiculars;</p> <p>(v) <u>billboards exceeding 18 square metres in size outside urban, mining or industrial areas; [advertisements as defined in classes 1(a), 1(b), 1(c), 3(a), 3(b), 3(l) of the South African Manual for Outdoor Advertising Control;]</u></p> <p>(w) <u>facilities or infrastructure for the aboveground storage of a dangerous good, including petrol, diesel, liquid</u></p> |  |
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|  | <p><u>petroleum gas or paraffin, where such storage occurs in containers with a combined capacity of more than 30 but less than a 1000 cubic metres;</u></p> <p>(x) <u>filling stations, including associated structures or infrastructure, or any other facility for the underground storage of a dangerous good, including petrol, diesel, liquid petroleum gas or paraffin, where such storage occurs in containers with a combined capacity of more than 30 but less than a 1000 cubic;</u></p> <p>(y) <u>permanent structures of any size in the coastal public property;</u></p> <p>(z) <u>reservoirs for bulk water supply with a capacity of more than 250 cubic metres;</u></p> <p>(aa) <u>facilities for desalination of sea water supply with an annual daily average production of more than 250 cubic metres;</u></p> <p>(bb) <u>facilities or infrastructure for the extraction and / or processing of gas from landfill sites.</u></p> |  |
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| 2 | <p>Construction or earth moving activities in the sea, <u>an estuary, or within the littoral active zone or a distance of 100 metres inland of the high-water mark of the sea, whichever is the greater, in respect of –</u></p> <ul style="list-style-type: none"> <li>(a) facilities for the storage of material and the maintenance of vessels;</li> <li>(b) fixed or floating jetties and slipways;</li> <li>(c) tidal pools;</li> <li>(d) embankments;</li> <li>(e) <u>rock revetments or stabilising structures including stabilising walls;</u></li> <li>(f) buildings; or</li> <li>(g) infrastructure,</li> </ul> <p><u>but excluding</u></p> <ul style="list-style-type: none"> <li>(i) <u>on erven within existing urban areas if such construction will occur behind a development setback line or</u></li> <li>(ii) <u>where such construction will occur in existing ports.</u></li> </ul> |
| 3 | <p>The prevention of the free movement of sand, <b>[including] erosion [and] or accretion,</b> by means of planting vegetation <u>or</u> placing synthetic material on dunes and exposed sand surfaces within <u>the littoral active zone [a distance of 100 metres inland of the high-water mark of the sea].</u></p>  |

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| 4 | <p>(a) The infilling or depositing of any material of more than 5 cubic metres into <u>a watercourse, estuary, lake, in-stream dam or wetland; or</u></p> <p>(b) the dredging, excavation, <b>[infilling]</b> removal or moving of soil, sand or rock exceeding 5 cubic metres <b>-[from a river, tidal lagoon, tidal river, lake, in-stream dam, floodplain or wetland] from within</b></p> <p>(i) <u>the one in ten year flood line of a watercourse, estuary, lake, in-stream dam or within 32 metres, whichever is the greater, from the bank of a watercourse;</u></p> <p>(ii) <u>the one in ten year flood line of a wetland, or within 32 metres, whichever is the greater, from the edge of a wetland;</u></p> <p>(iii) <u>the sea or the seashore</u></p> <p><u>but excluding where such dredging, excavation, infilling, removal or moving of soil, sand or rock is for maintenance dredging purposes.</u></p> |  |
| 5 | <p><u>The reclamation or destruction of a wetland or any portion thereof.</u></p>  |  |



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| 6[5] | <p>The removal or damaging of indigenous vegetation of more than <u>50 [10] square metres within the littoral active zone or a distance of 100 metres inland of the high-water mark of the sea, whichever distance is the greater but excluding where such removal or damage will occur on vacant erven within existing urban areas behind the development setback line.</u></p>   |
| 7[6] | <p>The excavation, moving, removal <u>or</u> depositing of soil, sand, rock or rubble covering an area exceeding <u>50 [10] square metres or the compacting of soil, sand, rock or rubble covering an area exceeding 50 [10] square metres, within the littoral active zone or a distance of 100 metres inland of the high-water mark of the sea, whichever distance is the greater, but excluding where such excavation, moving, removal, depositing or compacting will occur on erven within existing urban areas behind the development setback line.</u></p> |
| [7]  | <p><b>[The above ground storage of a dangerous good, including petrol, diesel, liquid petroleum gas or paraffin, in containers with a combined capacity of more than 30 cubic metres but less than 1 000 cubic metres at any one location or site.]</b></p>  |

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| 8  | <p><b>[Reconnaissance, prospecting, mining or retention operations as provided for in the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), in respect of such permissions, rights, permits and renewals thereof.]</b></p> <p><u>Any activity which requires a prospecting right in terms of section 16 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002).</u></p>   | <p>The competent authority for this part of the schedule is the Minister <u>of the Department of Minerals and Energy</u> [or an organ of state with delegated</p> |
| 9  | <p><b>[In relation to permissions, rights, permits and renewals granted in terms of 8 above, or any other similar right granted in terms of previous mineral or mining legislation, the undertaking of any prospecting or mining related activity or operation within a prospecting, retention or mining area, as defined in terms of section of 1 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002).]</b></p> <p><u>Any activity requiring a mining permit in terms of section 27 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002) where such an activity occurs directly adjacent to an existing or approved mining area.</u></p> | <p>powers in terms of section 42(1) of the Act, as amended.]</p>  |
| 10 | <p>The establishment of cemeteries <u>of 1000 square metres or more in size.</u></p>   | <p>The competent authority in</p>   |

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| 11             | The decommissioning of a dam, where the highest part of the dam wall, as measured from the outside toe of the wall to the highest part of the wall, is 5 metres or higher or where the high-water mark of the dam covers an area of more than 10 hectares.   | respect of the activities listed in this part of the schedule is the environmental authority in the province in which the activity is to be undertaken unless 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 as amended. |
| 12             | The transformation or removal of indigenous vegetation of<br>(i) <u>5 [3] hectares or more anywhere</u><br><u>or</u><br>(ii) of any size where the transformation or removal would occur within a critically endangered or an endangered ecosystem listed in terms of section 52 of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) <u>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;</u><br>(iii) <u>1 hectare or more in Protected Areas as per NEMPA</u> |  |
| <u>13</u>      | Afforestation of 5 hectares or more anywhere.  |  |
| <u>14 [13]</u> | The abstraction of groundwater at a volume where any general authorisation issued in terms of the National Water Act, 1998 (Act No. 36 of 1998) will be exceeded.  |  |

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| 15 [14] | <p>The construction of masts of any material or type <u>used [and of any height, including those used]</u> for telecommunication broadcasting or <u>[and]</u> radio transmission purposes where the mast: [, <b>but excluding - ]</b></p> <p>(a) <u>is to be placed on a site not previously used for this purpose, and</u></p> <p>(b) <u>will exceed 15 metres in height, [masts of 15 metres and lower exclusively used by radio amateurs; or for lighting purposes</u></p> <p>(c) <u>flag poles; and</u></p> <p>(d) <u>lightning conductor poles].</u></p> <p><u>but excluding</u></p> <p><u>(i) attachments to existing buildings or;</u></p> <p><u>(ii) masts on rooftops; or</u></p> <p><u>(iii) masts that fall inside industrial areas.</u></p> |  |
| 16      | <p>The construction of a road <u>with a reserve wider than 13,5 meters but less than 30 meters, and the construction of roads for which an environmental authorisation was obtained in terms of activity 5 in Government Notice 387 of 2006 or activity number 4 in Government Notice ?? of 2008[5], excluding roads situated within urban. [that is wider than 4 metres or that has a reserve wider than 6 metres, that fall within the ambit of another listed activity or which are access roads of less than 30 metres long.]</u></p>   |  |

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| 17   | <p>The transformation of undeveloped, vacant or derelict land to –</p> <p>(a) <u>residential, mixed, retail, commercial, recreational, industrial or institutional use, inside an urban area, and where the total area to be transformed is 5 hectares or more, but less than 20 hectares, [establish infill development covering an area of 5 hectares or more, but less than 20 hectares; or] or</u></p> <p>(b) <u>residential, mixed, retail, commercial, recreational, industrial or institutional use, outside an urban area, [where such development does not constitute infill]</u> and where the total area to be transformed is bigger than 1 hectare <u>but less than 20 hectares;</u></p> <p>(c) <u>agriculture or silviculture use where the total area to be transformed is more than 10 but less than 100 hectares</u></p> <p><u>except where such transformation relates to linear development activities.</u></p> |  |
| [16] | <p><u>[The cultivation of virgin soil where the total area to be cultivated is bigger than 10[5] but less than 100 hectares.]</u></p>   |  |

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| 18     | <p>Phased activities, <u>which commenced after 3 July 2006 but excluding activities 1(d); 1(m); 1(p); 1(q)(i),(iii) – (iv); 1(r); 1(t) – (v); 2; 3; 7 – 11; 17 – 25 of Government Notice 386 of 2006 and activities 1(d)-(e); 1(m); 1(p); 1(r); 1(t); 1(u); 1(v); 1(z); 2; 3; 5; 8; 10; 16 – 18 and 20 - 33 of Government Notice ?? of 2007/2008, or where such activity was authorised in terms of Regulation Government Notice 385 of 2006, where any one phase of the activity may be below a threshold [specified in this Schedule] but where a combination of the phases, including expansions or extensions, will exceed a specified threshold.</u></p> |  |
| [18]   | <p>[Subdivision of portions of land 9 hectares or larger into portions of 5 hectares or less,]</p>  |  |
| [19]   | <p>[The development of a new facility or the transformation of an existing facility for the conducting of manufacturing processes, warehousing, bottling, packaging, or storage, which, including associated structures or infrastructure, occupies an area of 1 000 square metres or more outside an existing area zoned for industrial purposes <u>but excluding where the development or transformation takes place within a mining area.</u>]</p>   |  |
| 19[20] | <p>The transformation of an area zoned for use as [public] open space or for a conservation purpose to another use.</p>   |  |

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| <u>20 [21]</u> | The release of genetically modified organisms into the environment in instances where <u>assessment for such release is specifically</u> required by the Genetically Modified Organisms Act, 1997 (Act No. 15 of 1997) or the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004). |
| <u>21 [22]</u> | The release of any organism outside its natural area of distribution that is to be used for biological pest control.  |
| <u>22</u>      | <u>Any process or activity identified in terms of section 53(1) of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004).</u>  |
| <u>23</u>      | <u>The commencement with any activity listed in Category A of Schedule 1 to the National Environmental Management: Waste Management Act, 2007.</u>  |

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| <u>24</u> | <p>The decommissioning of existing facilities or infrastructure, other than facilities or infrastructure that commenced under an environmental authorisation issued in terms of the Environmental Impact Assessment Regulations, 2006 made under section 24(5) of the Act and published in Government Notice No. R. 385 of 2006, for -</p> <ul style="list-style-type: none"><li>(a) electricity generation <u>with a threshold of more than 10MW;</u></li><li>(b) <u>electricity transmission and distribution with a threshold of more than 132kV;</u></li><li>(c) (b) nuclear reactors and storage of nuclear fuel;</li><li>(d) industrial activities, where the facility or the land on which it is located is contaminated or has the potential to be contaminated by any material which may place a restriction on the potential to re-use the site for a different purpose;</li><li>(e) the disposal of waste;</li><li>(f) the treatment of effluent[wastewater] and sewage with an annual throughput capacity of [<del>15000</del>50000] cubic metres or more;</li><li>(g) the recycling, handling, temporary storage or treatment of general waste with a daily throughput capacity of 20 cubic metres or more; or</li><li>(h) the recycling, handling, temporary storage or treatment of hazardous waste; <u>or storage of dangerous goods.</u></li></ul> |
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| <u>25</u> | <p>The recommissioning or use of any facility or infrastructure, excluding any facility or infrastructure that commenced under an environmental authorisation issued in terms of the Environmental Impact Assessment Regulations, 2006, <u>as amended</u>, made under section 24(5) of the Act and published in Government Notice No. R. 385 of 2006, after a period of two years from closure or temporary closure, for -</p> <ul style="list-style-type: none"><li>(a) electricity generation;</li><li>(b) nuclear reactors and nuclear fuel storage; or</li><li>(c) facilities for any process or activity, which require permission, authorisation, or further authorisation, in terms of <u>national and provincial</u> legislation governing the release of emissions, pollution, effluent or waste prior to the facility being recommissioned.</li></ul> |
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| <u>26</u> | <p><u>The expansion of or changes to existing facilities for any process or activity, which requires an amendment of an existing permit or license required in terms of national or provincial legislation governing the release of emissions, pollution, effluent.</u></p> <p><b>[The expansion of or changes to existing facilities for any process or activity, which requires an amendment of an existing permit or license or a new permit or license in terms of legislation governing the release of emissions, pollution, effluent.]</b></p> |
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| <u>27</u> | <p><u>The expansion of facilities for:-</u></p> <p><u>(a) aquaculture of –</u></p> <p><u>(i) finfish, crustaceans, reptiles or amphibians, including exotic or extralimital species where the expanded production output will exceed 60000 kg per annum (live round weight) with the exception of rainbow trout (<i>Oncorhynchus mykiss</i>) farmed within its naturalized distribution range where the expanded production output will exceed 20 000 kg per annum (live round weight);</u></p> <p><u>(ii) molluscs including exotic or extralimital species where the expanded production output will exceed 30000 kg per annum (live round weight);</u></p> <p><u>(iii) aquatic plants including exotic or extralimital species where the expanded production output will exceed 60000 kg per annum (live round weight)</u></p> <p><u>(iv) offshore cage culture of finfish, crustaceans, reptiles, amphibians, molluscs and aquatic plants including exotic or extralimital species where the expanded production output will exceed 60000 kg per annum (live round weight).</u></p> |  |
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|  | <p><u>(b) the generation of electricity where:</u></p> <p><u>(i) the electricity output of the original facility was more than 10 but less than 20 megawatts, excluding where such expansion takes place on the original development footprint;</u></p> <p><u>(ii) the output of the original facility was less than 10 megawatts but the facility covered an area in excess of 1ha, excluding expansion of facilities on the original development footprint.</u></p> <p><u>(c) the above ground storage of ore where the expansion will increase the total storage capacity by more than 1000 tons;</u></p> <p><u>(d) the above ground storage of coal where the expansion will increase the total storage capacity by more than 250 tons;</u></p> |  |
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(e) agri-industrial purposes, outside industrial areas, where the facility after expansion will cover an area in excess of 1500 square metres;

(f) the treatment of effluent or sewage where the expansion will increase the annual throughput capacity by more than 50000 cubic metres;

(g) the aboveground storage of a dangerous good, including petrol, diesel, liquid petroleum gas or paraffin, where original storage occurred in containers with a combined capacity of more than 30 but less than a 1000 cubic metres and the expansion of such storage facility will exceed a 1000 cubic metres.

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|  | <p><u>(h) the refining of gas, oil and petroleum products where the design capacity of the facility is increased by 25% or more;</u></p> <p><u>(i) the recycling, re-use, handling, temporary storage or treatment of general waste where the expansion will increase the throughput capacity with more than 50 tons or more daily average measured over a period of 30 days;</u></p> <p><u>(j) the use, recycling, handling, treatment, storage beyond 90 days or final disposal of hazardous waste;</u></p> <p><u>(k) the manufacturing, storage or testing of explosives, including ammunition, but excluding:</u></p> <ul style="list-style-type: none"><li><u>(i) licensed retail outlets and</u></li><li><u>(ii) temporary storage associated with legal end use of the explosives;</u></li></ul> <p><u>(l) the extraction or processing of natural gas or gas from landfill sites;</u></p> |  |
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|  | <p><u>(m) the landing, parking and maintenance of aircraft, excluding helicopter landing pads, but including -</u></p> <ul style="list-style-type: none"><li>(i) <u>airports;</u></li><li>(ii) <u>runways;</u></li><li>(iii) <u>structures for engine testing; or</u></li><li>(iv) <u>unpaved landing strips which were originally longer than 1,4 kilometres in length;</u></li></ul> <p><u>(n) the transmission and distribution of electricity where the original capacity exceeded 220 kilovolts, and where:</u></p> <ul style="list-style-type: none"><li><u>(i) the total existing development footprint will be expanded; and</u></li><li><u>(ii) the voltage will be increased;</u></li></ul> <p><u>(o) the final disposal of general waste where the expansion will cover an area of 100 square metres or more, or 200 cubic metres or more of airspace;</u></p> <p><u>(p) the incineration, burning, evaporation, thermal treatment, roasting or heat sterilisation of waste or effluent, including the cremation of human or animal tissue;</u></p> |  |
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|           | <p><u>(q) the microbial deactivation, chemical sterilisation or non-thermal treatment of waste or effluent where such expansion would require a new permit or license in terms of the specific environmental management act governing waste management.</u></p> <p><u>(r) rail transportation including -</u></p> <ul style="list-style-type: none"><li><u>(i) railway lines;</u></li><li><u>(ii) stations; or</u></li><li><u>(iii) shunting yards.</u></li></ul> |  |
| <u>28</u> | <p><u>The expansion of filling stations, including associated structures or infrastructure, or any other facility for the underground storage of a dangerous good, including petrol, diesel, liquid petroleum gas or paraffin, where the expansion exceeds 30 cubic metres, but excluding where such expansion takes place in a mining area.</u></p>  |  |



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| <u>29</u> | <u>The expansion of canals, channels, bridges, dams, weirs and storm water outlet structures in the one in ten year flood line of a river, lake, stream, in-stream dam or wetland, or within 32 metres, whichever is the greater, or from the edge of a wetland, excluding where such expansion will take place in a mining area.</u>         |
| <u>30</u> | <u>The expansion of cemeteries by more than a 1000 square metres.</u>   |
| <u>31</u> | <u>The expansion of a road where the original reserve was wider than 13.5 meters and such expansion extends the reserve by more than 6 meters, excluding where such expansion takes place in a mining area.</u>   |
| <u>32</u> | <u>The expansion of a dam where the highest part of the dam wall, as measured from the outside toe of the wall to the highest part of the wall, was originally 5 metres or higher or where the high-water mark of the dam originally covered an area of 10 hectares or more, excluding where such expansion takes place in a mining area.</u> |

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| <u>33</u> | <u>The expansion of resorts, lodges, hotels or other tourism and hospitality facilities in a protected area contemplated in the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003), where the total existing development footprint will be expanded.</u> |
| <u>34</u> | <u>The expansion of resorts outside urban areas where the existing total development footprint is expanded and the expansion will result in accommodation for 15 additional people or more.</u>   |

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| 35 | <p><u>The expansion of earth moving activities in the sea, an estuary, or within the littoral active zone or a distance of 100 metres inland of the high-water mark of the sea, whichever distance is the greater, excluding an activity listed in item 2 of Government Notice No. 386 of 2006 or item 2 of Government Notice ?? of 2007/2008 but including the expansion of –</u></p> <ul style="list-style-type: none"><li>(i) <u>facilities associated with the arrival and departure of vessels and the handling of cargo;</u></li><li>(ii) <u>piers;</u></li><li>(iii) <u>inter- and sub-tidal structures for entrapment of sand;</u></li><li>(iv) <u>breakwater structures;</u></li><li>(v) <u>coastal marinas;</u></li><li>(vi) <u>coastal harbours;</u></li><li>(vii) <u>structures for draining parts of the sea or estuary;</u></li><li>(viii) <u>tunnels; or</u></li><li>(ix) <u>underwater channels,</u></li></ul> <p><u>but excluding construction on erven within existing urban areas if such construction will occur behind the development setback line.</u></p> |
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| <u>36</u> | <p><u>The expansion of facilities by more than 25% of the installed capacity, for-</u></p> <p><u>(i) the bulk transportation of dangerous goods in gas form, outside an industrial complex or zone, using pipelines, with a throughput capacity of 700 tons or more per day by more than 100m in length.</u></p> <p><u>(ii) the bulk transportation of dangerous goods in liquid form, outside an industrial complex or zone, using pipelines, with a throughput capacity 50 cubic metres or more per day by more than 100m in length.</u></p> <p><u>(iii) the bulk transportation of dangerous goods in solid form, outside an industrial complex or zone, using funiculars or conveyors with a throughput capacity of 50 tons or more per day by more than 100m in length.</u></p> <p><u>excluding where such expansion takes place in a mining area.</u></p> |  |
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